

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 1 of 127

LAWRENCE LIVERMORE NATIONAL LABORATORY
SITE-WIDE ENVIRONMENTAL IMPACT STATEMENT
US DEPARTMENT OF ENERGY
National Nuclear Security Administration
---oOo---

APRIL 27, 2004
EVENING PROCEEDINGS

13 LOCATION: Doubletree Club
14 720 Las Flores Road
15 Livermore, CA

19 Reported by: DENNIS M. SOUZA, CSR #3893

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Page 1

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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 2 of 127

1 Livermore, California April 27, 2004

2 EVENING SESSION

3 MR. BROWN: So with that, we will get on with
4 the list of folks signed up. Dan Turner is next. Is
5 Dan still here? Okay. Following was Bob Hanson. Is
6 Bob here? These are folks who were signed up this
7 afternoon.

8 Scott Yundt? Is Scott here?

9 I think Bob Russell was running one of our
10 attendees home. He will be back. So when I see him
11 reenter, I will call his name again. Natalie Russell?
12 Amy Schultz? Courtney Childs? Tim Gordon?

13 If any of those folks return, if you happen to
14 know them and see them come back in, let me know and I
15 will call their name again.

16 Martha, it looks like Priebat. Pat Buchanan?
17 JG Tindel? John Oldfather? Tony Debelis? Yvonne
18 Miles.

19 I think Donald King -- oh, good. Okay. You
20 are Donald King? Gayle Cuddy will follow if she is
21 here.

22 MR. KING: I am Donald King from Livermore. I
23 have lived here since 1978 when I came to work for the
24 Livermore Laboratory. I am not a scientist. I was a
25 compensation analyst in the Human Resources division

Page 2

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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 3 of 127

1 and I worked there for four years. I was retired in
2 1982. Just some preliminary remarks, sort of personal
3 and not directly relevant to the environmental impact
4 study but when I first came to work for the Lab not
5 knowing much about what it did one of my co-workers
6 handed me a book to start out with and he said read
7 this. The title of the book was, We Almost Lost
8 Detroit. It was about a nuclear melt down of a reactor
9 in the area of Detroit. We didn't have to worry about
10 that because as I learned as I was here a little while
11 longer that the Lab did have a reactor here at one time
12 and I suppose it could have melted down but that
13 reactor was removed. I don't know exactly what year it
14 was but it had to be prior to the year that I came in
15 1978.

16 I should say just to get it on the record,
17 that as far as these alternatives are concerned, the
18 one that appeals to me most is the reduced option
19 alternative because it is supposed to be a 30 percent
20 scale down of the activities at the Lab and that's what
21 I think should be happening, if we can't eliminate the
22 nuclear weapons entirely, which I advocate, but I know
23 that is pretty unrealistic.

24 In looking at the draft site-wide
25 environmental impact statement here getting to the very

1/06.01

Page 3

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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 4 of 127

1 last two pages, there was a section on accidents. It
2 struck me and I had to laugh. It was the one about the
3 possibility of a plane crashing into the Livermore Lab.
4 Well, after having worked at the Lab for all those
5 years, why I know that this was talked about every once
6 in a while and there was air space over the Lab where
7 pilots were to avoid, maybe it still is the case, I
8 think it is, but for the scientists to calculate the
9 annual frequency of an aircraft crashing into the
10 building structure with subsequent gasoline pool fire
11 is less frequent than once in a million years. Well,
12 that is the kind of analysis that I think probably
13 would be left just as well unsaid.

14 Now, what I have tried to do because I have a
15 degree in urban planning so I like to sort of go by the
16 rules on these environmental impact statements and I am
17 quite familiar with the purpose of them so I have tried
18 to go to particular pages of this, which I went through
19 rather hurriedly. I saw that those who were analyzing
20 what I could say could refer to what I am talking
21 about. I started out with Page S4. This is regarding
22 the number of -- the population surrounding the Lab
23 here. I had to compute it because it said that 45
24 percent of Lab employees reside in the Tri Valley area.
25 I computed it out. It was something over 6,000 in

2/25.08

Page 4

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Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 5 of 127

1 total, but 40 percent or 10,600 I think times 45
 2 percent so we have about 4770 people living in the Tri
 3 Valley area, Livermore, Dublin, Pleasanton when you
 4 think of that. That is a lot people. That is a lot
 5 more people than were here when I came here in 1978. I
 6 did my masters project on the Livermore area recreation
 7 park district when it was founded back in the '30's
 8 when there was only about 3,000 here. In 1952 when the
 9 Lab was founded, of course, it was a relatively rural
 10 bastion out here 50 miles from the original lab of
 11 Berkeley.

12 MR. BROWN: You have got one minute left.

13 MR. KING: My goodness. A couple things that
 14 concerned me, Page S10 about the NIF and so we must
 15 presume that hazardous materials will be used when the
 16 NIF begins operating in 2008. That disturbs me because
 17 I think it was Ray Kidder a former scientist said back
 18 in '95 I think he said, that it stated a policy that
 19 fissile materials would never be used in that facility.
 20 The BSL 3 facility, Page S10 talks about, well, I
 21 believe we should be concerned about finding no
 22 significant impact dated December 16th, 19 -- 2002 was
 23 issued. No significant impact for that critical
 24 facility with these toxic substances and Page S11 about
 25 the Super Block, this is that critical area where there

3/26.01

4/35.01

Page 5

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Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 6 of 127

1 was the plutonium facility, tritium facility and the
 2 record of decision, the existing limit of 700 kilograms
 3 of they call it fuel, I assume that means weapons grade
 4 equivalent plutonium poses a constraint on future
 5 operations and there is disposition of pathway is not
 6 established for plutonium. So that they don't know
 7 exactly where this plutonium might go.

8 MR. BROWN: If you can cite maybe one more
 9 thing then perhaps turn in the other typed pages.

10 MR. KING: One other thing that bothered me
 11 somewhat, not the most important thing probably, but
 12 regarding the waste and isolation pilot plant. A
 13 contractor would operate this. There would be over
 14 1,000 drums of transuranic and mixed transuranic waste
 15 would go to this contractor, the WIPP, it was
 16 originally excluded from the NIF review. The survey
 17 does not state where the WIPP is located, how it will
 18 decontaminate or how it will contaminate or dispose of
 19 the waste, decontaminate or dispose of the waste, by
 20 what means will it be transported from LLNL to the WIPP
 21 facility, wherever that may be. I thought I would like
 22 to know that.

23 MR. BROWN: Fine. Thanks very much. Is Gayle
 24 Cuddy here? Gayle will be followed by Jonathan
 25 Stridling.

5/33.01

6/22.01

Page 6

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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 7 of 127

1 MS Cuddy: Hello. My name is Gayle Cuddy. I
 2 have lived in Livermore since 1988, after having lived
 3 in Massachusetts and San Francisco before that. My
 4 husband got a job in Fremont after we lived in
 5 Massachusetts and when he told me he found a house in
 6 Livermore I balked. I knew there was a famous
 7 Livermore Lab there and I didn't want to live close to
 8 a nuclear weapons lab for two reasons. I didn't
 9 believe on its emphasis for weapons research rather
 10 than research for peaceful purposes and it had a
 11 reputation even in the '70's as a contaminated place.
 12 But I was glad our house was on the most western edge
 13 of town several miles from the Lab. I have worked for
 14 Tri-Valley Cares now for three months however I have
 15 been sympathetic for its work ever since I moved here.
 16 Several things really scare me about living near the
 17 Lab. Number one, since 9/11, the potential as a
 18 terrorist target is chilling. Though I have not been
 19 one to freak out over such things as flying in an
 20 airplane or taking BART, there is enormous potential
 21 for disaster to millions people should a terrorist
 22 attack occur. This is corroborated by this morning's
 23 article in the Tri Valley Herald from the LA times, to
 24 quote: The General Accounting Office will report today
 25 that the threat posed by terrorists against the US

7/30.01

Page 7

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 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 8 of 127

1 weapons labs is estimated by intelligence agencies to
 2 be far more lethal than what the Energy has accepted in
 3 its most recent planning for security. The article
 4 goes on to say that unlike other facilities the
 5 Super Block at the Lab is tougher to defend. A crude
 6 bomb built by suicide terrorists in minutes, to quote,
 7 would destroy the Lab, the surrounding city, that is
 8 Livermore, and cause tens of thousands of casualties,
 9 the experts warned. A lesser although still lethal
 10 threat would be a dirty bomb in which radioactive
 11 materials would be released and disbursed into the air.
 12 Think Chernobyl. Daniel Brian, Executive Director of
 13 the Project On Government Oversight our Washington,
 14 D.C. group that has been pressing the Energy Department
 15 to improve its security states, to quote: We have
 16 concluded working with insiders that Livermore cannot
 17 adequately protect its materials. The only way to
 18 address the problem is to get those materials out of
 19 here.

7/30.01
cont.

20 Secondly, what else scares me about the Lab is
 21 that it's built on an earthquake fault, there are
 22 several as I understand, that in itself seems like a
 23 good reason to remove the deadly materials from the
 24 Lab.

8/14.01

25 Third, it also scares me that the US is

Page 8

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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 9 of 127

1 invading other countries looking for weapons of mass
2 destruction yet continuing to put billions of dollars
3 to build up our own weapons program here in the US. It
4 deeply concerns me the hatred that is building up
5 around the world toward us.

6 Therefore, I recommend that one the Lab be
7 converted to civilian peaceful research; two, the Lab
8 clean up the super fund site that it is; and three, be 9/07.01
9 a leader in global disarmament which the United States
10 is supposed to be committed to. Thank you.

11 MR. BROWN: Thank you. Is Jonathan here?
12 Okay, I think Eugene Spake. That actually concludes
13 the list of folks that had signed up --

14 SPEAKER: I had. It was out there.

15 MR. BROWN: Okay. Anybody else who had signed
16 up for this morning that hasn't had a chance to speak.
17 I see we have one. You are next.

18 MS. WILDWOOD: Hi, my name is Annie Wildwood
19 and I live in Sonoma County and I have two
20 grandchildren, a daughter and a son-in-law who live in
21 this area and his parents and family and so I thought I
22 should come today and say a few words. I'm gonna do
23 kind of a unusual juxtaposition of first of all I am
24 going to do something down beat and then I am going to
25 do something, hopefully, upbeat.

Page 9

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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 10 of 127

1 I was a child on the island of Kwajalein in
2 the Marshall Islands. I was ten years old and it was
3 two years after the Bikini bomb test.

4 Since then, two of my sisters are dead. I
5 have had three sisters and a brother. They died young,
6 breast cancer, both sisters, one just last October. 35
7 years after I lived on Kwajalein Island I was in Canada
8 in Vancouver. I picked up a magazine from Kwajalein
9 islanders and read that the women there in the Marshall
10 Islands were having hamburger babies and that was 35
11 years after the first bomb was dropped on Bikini
12 Island.

13 So, I took up this work of going to hearings
14 and speaking out and also since it is kind of a
15 depressing thing, I am going to sort of do something to
16 cheer myself up and tell a little story that's relevant
17 here, I think.

18 So, well, hi. I finally got why President
19 Bush always says nuclear. I used to kind of feel sorry
20 for him that none of his speech writers or staff would
21 even clue him in about how to really pronounce it. I
22 used to think that, oh, he must be so embarrassed or he
23 would be so embarrassed if he found out that he had
24 been doing it all the time he has been in office saying
25 nuclear. Well, I was thinking about it the other day

Page 10

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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 11 of 127

1 and I thought, oh, no, no, that's right. He's
2 pronouncing it just like he wants to, just like he
3 thinks it should be said. Nuclear. Nuclear. Silly
4 me, thinking of him like that, but -- well, that is not
5 really why I am up here, though. Hum, silliness.
6 Well, that does have something to do with what I want
7 to talk about. I wanted to talk about the mind and the
8 imagination of the human species and the state of
9 denial as applied to nuclear and nuclear energy use.
10 So today I have one example of how silly the human mind
11 and imagination can get, recklessly silly. Some of you
12 might recognize this character here. Has anyone ever
13 seen this guy? Is there anyone here that knows who
14 this is? This is Pluto boy. Now, he was part of a
15 cartoon that the Japanese put out to convince the
16 people, they actually put out a little video cartoon
17 back in about, hum, at the time when Hazel O'Leary was
18 head of the Department of Energy, do you remember that,
19 about 1994, at least. Well, the Japanese people were
20 trying to convince the people who lived in a perfect
21 town where they were going to build a new plutonium run
22 reactor that, well, the dialogue went something like
23 this: Pluto boy had in this hand a glass which looked
24 like a glass of water offering it to his friend. And
25 Pluto boy said: Oh, plutonium's good. You can even

Page 11

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 12 of 127

1 drink it.
2 That actually happened. But Hazel O'Leary, do
3 you know what she did? She wrote them a letter and she
4 said: I think you're being disingenuous to these
5 citizens there who live around where this nuclear
6 reactor is going to be built. You should tell them
7 what is really going on there. Yea for Hazel O'Leary.
8 MR. BROWN: About a minute left.
9 MS. WILDWOOD: Okay. So I want to ask the
10 question of the Department of Energy today: If the
11 Draft Site Environmental Impact Statement for Continued
12 Operation of Lawrence Livermore National Laboratory and
13 Supplemental Stockpile Stewardship and Management
14 Programmatic Environmental Impact Statement is another
15 disingenuous case of trying to convince people it is
16 safe to drink, breathe and touch plutonium and anthrax,
17 plague and other deadly bio warfare pathogens because
18 that's what could happen in the Bay Area to 7 million
19 people on these earthquake faults. Silly. Why can't
20 we just come together and stop making the poison fire?
21 That's not silly.
22 MR. BROWN: Let me move on to -- yes -- sir?
23 Had you signed up?
24 SPEAKER: There wasn't actually a sign up, but
25 I would --

10/25.05,
04.01

Page 12

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 13 of 127

1 MR. BROWN: We have actually a sign up sheet.
 2 If you would like to speak this evening, just see the
 3 folks out at the desk and we will be glad to add you to
 4 the list.

5 I want to move onto the folks who have signed
 6 up in order for this evening's meeting. We'll start
 7 with them. I want to mention that as I have been
 8 doing, I will give everybody a warning at the one
 9 minute mark so you can conclude your comments, if you
 10 are running that long; and also, I will try and call
 11 the name of the next speaker so that you know you are
 12 coming up next and can move into position to get up to
 13 the mic as soon as possible because we did run terribly
 14 late this afternoon and I would like to try to move
 15 this session along as rapidly as possible.

16 The people signed themselves in. As I
 17 mentioned this afternoon, calligraphy doesn't appear to
 18 be a strong point of the school system these days, so I
 19 am going to have to guess at some of the last names,
 20 but I hope you will forgive me for that.

21 So first we have, is it Buddy Akwiche? Is
 22 Buddy here? Good. Buddy will be followed by I guess
 23 it is Eugene Spake. I think I called his name earlier.
 24 Eugene, if you are here, you are welcome to speak,
 25 otherwise I will move onto the next person. Buddy,

Page 13

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 14 of 127

1 welcome.

2 MR. AKACICH: Thank you. I am a local guy
 3 now. I mean, I am living in San Ramon and I am just a
 4 concerned citizen. What are we doing here? I mean,
 5 what are we trying to achieve this evening? It seems
 6 to me that what I would like to achieve is to tell you
 7 (indicating), specifically, a bunch of things and after
 8 I tell you those things you will change your mind about
 9 everything you are doing and not do it anymore.

10 I think that the likelihood of that occurring
 11 is close to zero. I hope I'm wrong. I really do.

12 You know as you made your presentation this
 13 evening, it seems to me that you gave us one chunk of
 14 bad news after another. It was one bummer after
 15 another. You didn't say anything that I liked. You
 16 didn't say anything that sounded good to me. Every
 17 item that you clicked with your laser was a bummer and
 18 then you went onto minimize it. Well, it sounds like a
 19 bummer, but we have it under control, it won't really
 20 be a bummer. It's a bummer.

21 Every nuclear weapon in the United States
 22 arsenal was developed at Livermore or Los Alamos Lab.
 23 Dangerous new nuclear operations are planned for the
 24 next ten years. Are you going to tell me that they are
 25 not dangerous. They are dangerous. They are toxic.

11/23.01

Page 14

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 15 of 127

1 They pollute. They kill, so you are going to tell me
2 oh they only pollute a little bit and the likelihood
3 they will kill is -- no, man, they pollute and they
4 kill.

11/23.01
cont.

5 I see you have a wedding ring and a shirt and
6 a tie and it looks to me like you probably have a wife
7 and children.

8 MR. GRIM: Two daughters.

9 MR. AKACICH: Cool. You want to look your
10 daughters in the face and tell them about these 300 new
11 nuclear bombs? Do you feel cool doing that? 450 new
12 plutonium pits per year. I want to know how many of
13 those plutonium pits are going to be in your backyard?

14 You are going to increase three fold the
15 amount of plutonium? Environmental damage and nuclear
16 proliferation risks, those are facts. They are not
17 theoretical. They are not maybe. Those are facts.

12/33.01

18 When you went to college, did you take
19 philosophy courses? Did you take courses in the
20 philosophy of religion, morals, ethics? Did you take
21 those courses in college?

22 Do you know about Helen Caldicott and what she
23 says, Dr. Caldicott, the Australian physician, do you
24 know what she talks about? Have you read the books she
25 has written. And she talks about what you are going to

Page 15

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1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 16 of 127

1 do with those nuclear weapons is you are going to blow
2 up Russian mountains because the Russians have 2500
3 nuclear weapons pointed at us so you feel like you need
4 to knock mountains down.

5 Pollution and death is what you are dealing
6 with.

7 Another thing, I suspect that you're getting a
8 pretty good paycheck and I suspect you are cashing in
9 on Bush's tax cuts. And my greater suspicion is that
10 if you found out that you could make double that money
11 by growing organic apricots, you'd give it a thought.
12 So it's all about this (indicating).

13 This whole thing seems absurd to me. It seems
14 like, are you kidding me? Are you crazy?

15 MR. BROWN: One minute left.

16 MR. AKACICH: I just want to know about the
17 bunker busters, the plutonium tipped bunker busters
18 that our intelligent, educated, and thoughtful and well
19 read President is talking about.

20 If you want to build these weapons because you
21 want them to be mini nukes and you want them to be
22 bunker busters, I want to know where those bunkers are.
23 You know what, I don't think there are any. Show me.
24 Show me scientific, solid empirical evidence that there
25 are, fact, some bunkers around the world that I got to

Page 16

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1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 17 of 127

1 worry about. I believe it is a hoax and it's a myth.
 2 Thank you for the time.

3 MR. BROWN: Okay, thanks. I would like to
 4 remind people that the primary focus of this evening's
 5 meeting is the opportunity to make comments on the
 6 draft environmental impact statement. This is your
 7 opportunity to get on the record comments that the
 8 Department of Energy has to respond to and people are
 9 certainly free to make comments on a wide range of
 10 issues as they did this afternoon; but, I advise you
 11 not to forego the opportunity to get those comments on
 12 the record.

13 The other thing is that in terms of some of
 14 the more personal comments, people do feel the need, on
 15 occasion, to raise some issues of morality and so
 16 forth; but, you may be a little more successful in
 17 doing that not in such a public forum but, perhaps,
 18 engaging in a more private conversation.

19 The next person who signed up is Eugene Spake.
 20 Is Eugene here? Don King? Laura Shaw? Laura is here.
 21 Lucille Moyer will follow.

22 MS. SHAW: My name is Laura Shaw. I am a
 23 teacher in San Jose. I teach elementary school. I
 24 have three sons. I have a personal connection with a
 25 nuclear industry in that I was born in Grand Junction

Page 17

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 18 of 127

1 Colorado which is a town built on uranium slag. I lost
 2 both my parents to cancer before I left high school.
 3 California is an unpredictable state. We have
 4 earthquakes, energy blackouts, traffic jams and
 5 unpredictable people. Near the Lawrence Livermore Lab
 6 are two earthquake faults and as the Loma Prieta
 7 Northridge earthquakes proved you don't have to live
 8 directly on a fault to host an earthquake. Seismic
 9 unpredictability is the first reason we should not have
 10 anymore nuclear fuel here. Considering the size of the
 11 Lab, the soils and the water table involved, no amount
 12 of earthquake retrofitting is going to guarantee to
 13 protect the total facility.

13/14.01

14 We have energy blackouts here. Too many
 15 people, too many traffic jams, way too many people in
 16 the greater east Bay Area to subject them to a possible
 17 traffic accident transporting nuclear or biological
 18 materials upon our unpredictable freeways.

14/25.10

19 Finally, we have people, lots and lots of
 20 unpredictable people. As the article in today's
 21 San Jose Mercury News states, amid growing concern that
 22 nuclear weapon labs are vulnerable to the terrorist
 23 attacks, senior Energy Department officials are
 24 seriously considering major steps to improve security
 25 including the removal of plutonium and highly enriched

15/30.01

Page 18

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 19 of 127

1 uranium from Lawrence Livermore National Laboratory and
 2 other weapons sites. 15/30.01
 3 Now is not the time to consider adding anymore cont.
 4 extremely highly risk materials to an already 16/30.02
 5 unpredictable and dubious state of security of this
 6 research facility. The environmental hazards of this
 7 new buildup of nuclear materials at this facility are 17/04.01
 8 huge and unacceptable to the unpredictable Bay Area.
 9 Thank you.
 10 MR. BROWN: Ready, okay.
 11 MS MOYER: My name is Lucille Moyer. I am
 12 from San Jose. I am the mother of a 19-year-old son.
 13 I have been very concerned about what Lawrence
 14 Livermore Lab represents to us for a long time.
 15 My thoughts border on rage most of the time
 16 when I think about nuclear weapons and what we are
 17 doing in this country. But you said something just a
 18 minute ago that made me shake with rage and I want to
 19 tell you why, because you mentioned that we should be
 20 talking about these issues of morality and ethics
 21 privately and that we shouldn't mention these things in
 22 public -- that we should take the opportunity to
 23 respond to this proposal to this environmental impact
 24 statement and not talk about these issues that we're
 25 here to really talk about, because these are issues of

Page 19

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 20 of 127

1 US morality and of the American citizens and this is so
 2 important to us and I want to let you know that I and a
 3 lot of other people consider what you said to be -- to
 4 follow in the footsteps of George Bush to be dissent
 5 killing rhetoric and that's what you -- when we try to
 6 shame people and keep them from talking about what is
 7 in their heart and what they know to be true and honest
 8 and to keep what we do in this country secret and not
 9 talked about. In a dysfunctional family, you know what
 10 we do. People don't talk. They are not supposed to
 11 feel and that is dysfunction and that's our country
 12 right now.
 13 So I want to, I just want to make you aware
 14 that that's how I received that and I am just shaking
 15 because I am sick of George Bush saying these things
 16 that if we dissent we are not patriotic and that is not
 17 true, because patriots, this room is filled with them
 18 and these are important issues about the future of our
 19 country.
 20 Anyway what I want to say, thank you, that
 21 this entire discussion of the environmental impact of
 22 the Lawrence Livermore Nuclear Laboratory, this whole
 23 discussion is a weapon of mass distraction. We don't 18/02.01
 24 want anymore nuclear weapons. Neither we nor any other
 25 nation needs them. We don't need anymore nuclear waste 19/22.02

Page 20

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 21 of 127

1 in our communities. Past damage by Lawrence Livermore
 2 Labs is horrible, at the very least questionable, and 20/23.01
 3 your comment earlier, I guess I am going to say
 4 something to you, your comment earlier just rang, just
 5 kept repeating in my head: We have investigated many,
 6 many accidents. That is all I had to hear. That
 7 terrified me. I don't care if they are little, they 21/25.06
 8 are big, they are accidents and the potential for
 9 accidents is great.

10 But this discussion is more than about just
 11 nuclear pollution and local damage. It is about the
 12 way we think and the way we feel and how we act as a
 13 nation and as individuals. To quote congressman Dennis
 14 Kucinich, whom you all know, if we as a nation do not
 15 go around the world taking as we please, killing as we
 16 please and disrespecting others as we please, then we
 17 shall never have need to fear any attack.

18 The current nuclear arms race is the direct
 19 result of the world's well placed and justified fear of
 20 the US capacity for violence and aggression. The US
 21 has over the last 50 years or more interfered in
 22 governments around the world supporting coups of
 23 leaders, most recently Haiti and Hugo Chavez in
 24 Venezuela. We install despots to support the
 25 enslavement and murder of their own citizens and the

Page 21

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 22 of 127

1 theft of their nations' resources in order to ensure US
 2 corporate profit and their own greed. Millions upon
 3 millions of people have been killed in this pursuit.
 4 It is hard to resist taking a shot at the mob in the
 5 White House. They are not unlike a crime mob. The
 6 White House conducting their war for profit, which is,
 7 in legalese, mass murder. In Iraq there are threats on
 8 Syria, Iran and North Korea what else would the world
 9 believe than that there is, in fact, a grave and
 10 growing danger from the United States. Depleted
 11 uranium bombs are the gift that keeps giving and giving
 12 and giving, cancer, deformity, illness and suffering,
 13 and it's happened here in our country.

14 MR. BROWN: One minute remaining.
 15 MS. MOYER: The Bush/Cheney regimes desire to
 16 create more nuclear weapons is at its core criminal and
 17 treasonous. This proposal is provocative and as such
 18 is designed to terrorize the rest of the world while 22/01.01
 19 demanding other countries disarm, except of course,
 20 Israel, and this is insane. A proposal to develop more
 21 and more hideous nuclear weapons is not only myopic, it
 22 is indefensible, ignorant and cruel. This will only
 23 result in escalating nuclear proliferation. Bush's
 24 incompetency is a minor issue. We should all be
 25 demanding immediate impeachment and prosecution. It is

Page 22

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 23 of 127

1 the right and responsibility of American citizens to
2 exercise their right to protect themselves and others
3 and to stop the horrors of absolute power and treason.
4 It may only be matter of time until the rest of the
5 world calls a Summit to decide what to do about this
6 government and its aggression. It may not result in
7 the bombing of the US or even the use of nuclear
8 weapons on us. It may only be an embargo. If that
9 happens we will be without basic needs like shoes,
10 clothes, appliances without the tchotchkes we so love
11 to buy and without even tires in which to drive our gas
12 guzzlers. We would especially be without oil which
13 drives the murderous US corporate driven criminal
14 aggression.

15 MR. BROWN: If you can make just one more
16 point, please.

17 MS. MOYER: I want to quote more thing from
18 Dennis Kucinich, we are not victims of the world we
19 see, we are victims of the way we see the world. Peace
20 is possible.

21 And what I would like to implore you to do at
22 this point is to support legislation in the House of
23 Representatives, HR 1673 which creates a cabinet level
24 US department of peace which addresses all these
25 issues, interjects the possibilities and prevention of

Page 23

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 24 of 127

1 peace in all of our decisions. I think we have hit our
2 individual and national moral bottom line. I mean, we
3 have just about had it and I want to say this one thing
4 and this is to the panel.

5 I urge all scientists, all researchers, all
6 government employees to simply refuse to work on any
7 project that increases nuclear arms. We must refuse to
8 be complacent in any further US violence. The more of
9 you who refuse, the more others will refuse. The
10 choice, as Martin Luther King said, is no longer
11 between violence and non-violence, it is either
12 non-violence or nonexistence. Thank you.

13 MR. GRIM: Excuse me, just a second. She used
14 about three minutes sort of talking about the comment
15 process and I just want to say, we have time, we will
16 get through all the comments, you use your time as you
17 see fit for whatever you want to say about the project,
18 so if you want, you know, two more minutes, I think you
19 used up some of it in sort of a non-comment. I don't
20 see why not, but, but there is -- I just want to make
21 it clear, we will get to everybody. I think what do we
22 have, 20, 25, 30 more people?

23 MR. BROWN: Yeah, about 30 more. Yeah.

24 MR GRIM: So we will stay here and get all
25 the comments. Just so you understand, because there is

Page 24

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 25 of 127

1 talk about personal communication, if you talk to me
 2 out in the hallway, I'm not recording that as a
 3 comment. So you have to sign up to get the comment. I
 4 just want to be clear on the process. I don't want to
 5 get off track.

6 MR. BROWN: All right. Okay. Thanks.

7 MS. MOYER: I just want to say we are all
 8 human beings. We are all living here together. We
 9 don't fault anybody at Lawrence Livermore Labs
 10 personally. We have families, we need jobs, we have
 11 trained for these special areas. We just have to
 12 change our hearts about what we are doing and somebody
 13 has to lead us and take a stand. You just have to take
 14 a stand. I mean, at some point we have to stop this
 15 craziness. And I really think the department of peace
 16 is really a wonderful place to start doing this. Thank
 17 you.

18 MR. BROWN: I don't want to take any extra
 19 time. Let me offer a ten second comment. I was not
 20 suggesting that issues of morality should not be
 21 brought up here. I was simply reflecting about 20
 22 years of experience in running meetings like this and
 23 when members of the public engage in sort of
 24 confronting Department of Energy folks in what should
 25 be a dialogue in a meeting where you have several

Page 25

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 26 of 127

1 hundred people in attendance, it really doesn't promote
 2 the type of communication and such that can actually
 3 lead to some better understanding. I was simply
 4 suggesting if you want to engage in that type of
 5 dialogue, that that's probably better done one on one.
 6 If you want to discuss issues of broader morality, it's
 7 been done this afternoon. This is the proper venue for
 8 that and if I offended anybody, I apologize for that
 9 and I should hasten to add that I am not a
 10 Department of Energy employee, so if there was a fault
 11 here, it is mine, it is not theirs. So thank you and
 12 our next speaker.

13 MS. CABANNE: My name is Donna Cabanne. I am
 14 a 4-year resident of Livermore. I am a public school
 15 teacher and I am speaking on behalf of the Sierra Club
 16 tonight.

17 The Sierra Club is vehemently opposed to the
 18 ten-year operations plan for Livermore Laboratories.
 19 The plan is dangerous and unnecessary. It will
 20 continuously put our health, our environment, our
 21 agriculture and our community at intolerable levels of
 22 risk for years to come. The plan is simply
 23 unacceptable. Let's start with the dangers from
 24 tritium. The Lab claims tritium releases have declined
 25 in the last ten years. If that is true, why do

23/04.01

24/18.01

Page 26

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 27 of 127

1 Livermore groundwater wells show higher than normal
 2 amounts of tritium? Livermore is part of a closed
 3 water basin. We depend on our deep wells for water.
 4 What are the current levels of tritium in the water
 5 aquifers and in all the deep wells located in the
 6 Livermore valley? Were wells in the greater community
 7 tested or monitored for tritium levels? When was the
 8 last testing? How frequently were wells located away
 9 from the Lab tested? Were all significant sources of
 10 water tested for tritium regardless of the distance
 11 from the Lab? Have known plumes tested higher or lower
 12 for tritium levels? Is it true that tritium levels in
 13 Livermore wines are three times higher than those of
 14 any European wines? Is it true that because of these
 15 high tritium levels, Livermore wines are difficult to
 16 sell in Europe because the wines fail to meet minimal
 17 European health standards? Europeans don't have to
 18 drink wine with high tritium levels, but we do have to
 19 drink Livermore water. Instead of putting more tritium
 20 at the Livermore Lab, we urge the Lab to use their
 21 scientific experts to help us clean up the tritium
 22 tainted soil and water that already exist in this
 23 valley.
 24 Increasing the plutonium at the Lab to 3300
 25 pounds is absurd and dangerous. Instead of adding

24/18.01
cont.

25/16.01

26/24.03

27/08.02

Page 27

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 28 of 127

1 plutonium, the DOE should be removing all existing
 2 plutonium to a more secure site that is not surrounded
 3 by a City of over 75,000 people. The real dangers
 4 posed by theft or terrorists are insurmountable.
 5 Livermore lacks the high security protections that
 6 other sites have which makes Livermore an easy target
 7 for any group bent on destruction. Before September
 8 11th, no one thought a plane could be used as a weapon.
 9 Let's not ignore the risks that exist with wishful
 10 thinking or hide behind so-called effective ratings
 11 that the Lab says they have. We all know there have
 12 been serious breaches of security at the Livermore Lab.
 13 This is simply not the facility to keep even existing
 14 plutonium. Consolidate the plutonium at another site
 15 for the safety of this nation as well as the safety and
 16 the environment of this community.
 17 Finally, please consider that Livermore has
 18 the dirtiest air basin in the Bay Area and despite
 19 efforts to clean it up, we are ranked as the 8th
 20 dirtiest air basin in the nation. Our children and our
 21 elderly suffer from significantly high asthma rates.
 22 We don't need more accidental releases into the air no
 23 matter how small the Lab claims these releases are.
 24 Just what are the current asthma rates of children
 25 living in Livermore? Are there more cases of asthma in

27/08.02
cont.

28/30.02

29/08.01

30/25.05

Page 28

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 29 of 127

1 children detected that live closer to the Lab? Do
 2 Livermore children have more lung problems, diseases
 3 and allergies than children in communities without
 4 labs.

30/25.05
 cont.

5 Without answers to these pressing safety,
 6 health and environmental issues, it would be
 7 unreasonable to move forward with this plan. We are
 8 not interested in fact documents or EIR's that try to
 9 whitewash the inherent dangers of housing even more
 10 plutonium or tritium at the Livermore Lab.

11 Speaking on behalf of the Sierra Club, as a
 12 teacher who works with children with high asthma rates
 13 and a resident of Livermore for 24 years, I urge you:
 14 Don't waste taxpayers' money on continuing to study a
 15 site that cannot be adequately secured from the real
 16 threat of terrorism. The stakes are too high. Move
 17 these bomb making materials out of the area and
 18 consider alternative research at the Livermore Lab.
 19 Thank you very much for your time.

20 MR. BROWN: Suzanne Keehn to be followed by
 21 Leah Steinberg.

22 MS. KEEHN: Hello. I am Suzanne Keehn from
 23 Palo Alto. I, too, feel that our country has become
 24 morally bankrupt. Yesterday I read a heart-rendering
 25 report on depleted uranium which I know many of you

31/03.01

Page 29

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 30 of 127

1 know about, and it is one of, from what I understand,
 2 the by-products of nuclear waste that we don't know
 3 what to do with.

4 What I don't understand -- even if we don't
 5 care about anybody else in the world, that we will send
 6 our young men and women into a battle or into an area
 7 where we know they are going to come back and be
 8 poisoned. So yes, I do think that, I do feel that we
 9 are saying that other countries can't have this, but we
 10 can build more. And I think it is also proven that any
 11 weapon that has been made has probably been used.

12 We humans now have the power to end all life
 13 on earth as we know it through nuclear weapons,
 14 depleted uranium, nuclear power plants and nuclear
 15 waste is just as dangerous.

16 As a mother and a grandmother I am pro life,
 17 but that is pro-life on earth, all life.

18 I pray that we make the choice to live. We
 19 know that our native American elders tell us that every
 20 decision we make should be made with a good of the 7
 21 generations of the children coming after us. The earth
 22 is in crisis and we as humanity are also, but because
 23 we are in denial and we believe, we are separate, not
 24 all of us, but still too many of us; but at a
 25 subconscious or unconscious level everyone knows that

Page 30

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 31 of 127

1 we must change. We must make a choice. Economics
2 needs to change and it can, it is just the will and the
3 creativity and the believing what is possible. You may
4 already be doing environmental research here, but all
5 the resources of this lab -- nobody needs to lose a
6 job, could be used as others have said, to clean-up the
7 earth, air and water and to create the sustainable
8 technology and businesses that will go to make this
9 earth someplace wonderful to live instead of the
10 destruction that we're seeing now. We are playing a
11 destructive and dangerous game. We can choose to play
12 one that is life-giving and life-sustaining. If we can
13 imagine it, we can do it; if we have the will, we will
14 do it.

15 MR. BROWN: Thank you. Leah Steinberg and
16 Jerry Smith is next.

17 MS. STEINBERG: My name is Leah Steinberg and
18 I refer to myself, I guess, as a child of the Manhattan
19 project. My father and my uncle worked on the
20 Manhattan project in Chicago at the metallurgical
21 laboratory and I would like to read a petition that
22 was -- I used to have these arguments with my father
23 growing up. How could he work on the bomb, et cetera,
24 and he died in 1991 and in about 1996 I was looking on
25 the internet, put his name in the computer just to see

32/07.01

Page 31

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 32 of 127

1 what might come up and found a petition that was
2 declassified in 1995 that I or none my family knew
3 anything about and I'm just gonna read it.

4 July 17th, 1945. A petition to the President
5 of the United States. Discoveries of which the people
6 of the United States are not aware may have affect the
7 welfare of this nation in the near future. The
8 liberation of atomic power which has been achieved
9 places atomic bombs in the hands of the Army. It
10 places in your hands, as commander in chief, the
11 fateful decision whether or not to sanction the use of
12 such bombs in the present phase of the war against
13 Japan. We the undersigned scientists have been working
14 in the field of atomic power. Until recently we have
15 had to fear that the United States might be attacked by
16 atomic bombs during this war and that her only defense
17 might lie in a counter attack by the same means. Today
18 with the defeat of Germany, this danger is averted and
19 we feel impelled to say what follows. The war has to
20 be brought speedily to a successful conclusion and
21 attacks by atomic bombs may very well be an effective
22 method of warfare. We feel, however, that such attacks
23 on Japan could not be justified, at least not unless
24 the terms which will be imposed after the war on Japan
25 were made public in detail and Japan were given an

Page 32

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 33 of 127

1 opportunity to surrender. If such public announcement
2 gave assurance to the Japanese that they could look
3 forward to a life devoted to peaceful pursuits in their
4 homeland and if Japan still refused to surrender, our
5 nation might, then, in certain circumstances, find
6 itself forced to resort to these atomic bombs. Such a
7 step, however, ought not to be made at any time without
8 seriously considering the moral responsibilities which
9 are involved.

10 The development of atomic power will provide
11 the nations with new means of destruction. The atomic
12 bombs at our disposal represent only the first step in
13 this direction and there is almost no limit to the
14 destructive power which will become available in the
15 course of their future development. Thus, a nation
16 which sets a precedent of using these newly liberated
17 forces of nature for purposes of destruction may have
18 to bear the responsibility of opening the door to an
19 era of devastation on an unimaginable scale.

20 If after this war, a situation is allowed to
21 develop in the world which permits rival powers to be
22 in uncontrolled possession of these new means of
23 destruction, the cities of the United States as well as
24 the cities of other nations will be in continuous
25 danger of sudden annihilation. All the resources of

Page 33

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 34 of 127

1 the United States, moral and material, may have to be
2 mobilized to prevent the advent of such a world
3 situation. Its prevention is at present the solemn
4 responsibility of the United States singled out by
5 virtue of her lead in the field of atomic power. The
6 added material strength which this lead gives to the
7 United States brings with it the obligation of
8 restraint and if we were to violate this obligation,
9 our moral position would be weakened in the eyes of the
10 world and in our own eyes. It would then be more
11 difficult for us to live up to our responsibility of
12 bringing the unlistened forces of destruction under
13 control.

14 In view of the foregoing, we the undersigned,
15 respectfully petition first that you exercise your
16 power as commander in chief to rule that the United
17 States shall not resort to the use of atomic bombs in
18 this war unless the terms which will be imposed upon
19 Japan have been made public in detail and Japan knowing
20 these terms have refused to surrender; second, that in
21 such an event the question whether or not to use the
22 atomic bombs be decided by you in light of the
23 considerations presented in this petition as well as
24 all the other moral responsibilities which are
25 involved, signed by Leo Selard and 69 co-signers

Page 34

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 35 of 127

1 including my father and I just want to say that we had
 2 enough when the first bomb was made. We don't need to 33/02.01
 3 make anymore nuclear bombs. We have enough to blow up
 4 the planet as many times as we want and in my father's
 5 name, Ellis P. Steinberg, who was a member of Atomic
 6 Energy Commission for his entire professional life, I
 7 just want to resubmit this petition and maybe, since it
 8 wasn't heard the first time by President Truman, maybe
 9 it will be heard this time and I just hope that the
 10 scientists at the Livermore Lab who have the dedication
 11 for science and discovery and the use of good things,
 12 that they will help, instead, to not continue to tear
 13 apart the atom, but to help put it back together.
 14 Thank you.
 15 MR. BROWN: Jerry Smith, Marlene Candell is
 16 next.
 17 MR. SMITH: Jerry Smith. I live in Livermore
 18 across from the Lab. I expect to get a lot of red
 19 flags and most of the remarks or comments have already
 20 been discussed by the Sierra Club so I am not prepared
 21 to enhance that at all; but, I believe that all the
 22 security issues at the Lab have not been told to us.
 23 There has been a lot of incidents, a lot of badges 34/30.02
 24 lost, misplaced that would gain access to terrorists or
 25 people with no good in their hearts. There have been

Page 35

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 36 of 127

1 too many of these incidents, so far, that I think it is
 2 not right. And so the security issue is more on my 34/30.02
 3 mind than most of these other things. If we didn't cont.
 4 experiment and manufacture or whatever, we would get a
 5 lot of good things from the products and projects from
 6 the Lab.
 7 Now, I am not an advocate for nuclear
 8 weaponry, but if we don't do it and if we don't help
 9 make it a little cleaner, if you might, or smaller
 10 effects, then Hiroshima or Nagasaki, I think that's
 11 good.
 12 Forgive me, I lost the train.
 13 There is a lot of good projects out there and
 14 if we don't do some research on nuclear weaponry,
 15 somebody else is going to and I know you don't believe
 16 that, and it will raise flags, but someone is going to
 17 do it and I think we have to be prepared to fight them 35/02.01
 18 off -- not -- we don't want to go in there the first
 19 time and use the nuclears, but I think it is somewhat a
 20 deterrent, just like the death penalty might be and
 21 maybe not. More red flags, that's good. I saw too
 22 many green the whole evening, so I like to see a little
 23 red out there too -- but that is okay. But that's my
 24 opinion and I support a lot of what the Lab does, even
 25 though I live across the street from it, I guess if

Page 36

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 37 of 127

1 it's gonna go up in my backyard, unfortunately, I would
 2 rather sit on it than be several miles away and do some
 3 suffering.

4 MR. BROWN: You have a minute left to see how
 5 many more red flags --

6 MR. SMITH: Okay. Yeah. I don't want it in
 7 my backyard either. It is too populated. I think
 8 there is other areas of the country that some of this
 9 stuff could be accomplished. I lived in Las Vegas for
 10 many years and I did frequent the Nevada Test Site,
 11 portions of it, because a lot of it is really
 12 classified like what's over here, but I've seen the
 13 effects of the craters that were done by nuclear
 14 explosions underground and all, but we have benefited
 15 from a lot of the stuff from the Lab, maybe not
 16 nuclear, maybe some of it has progressed into something
 17 that we do benefit from. I know, what? I am not a
 18 scientist. I am just a common Joe that lives here
 19 and -- trying to make a living and raise a family and
 20 have safe surroundings. So, okay.

21 MR. BROWN: Okay. Thank you. Okay, Marlene?
 22 And Jean DeVinney is next.

23 MS. CANDELL: I am Marlene Candell. I am from
 24 Berkeley. I have been following these issues for about
 25 20 years.

Page 37

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 38 of 127

1 I am going to say too, I guess two words I
 2 want to start out with are both words starting with P.
 3 One word is pathetic. The other word is premise.
 4 Okay. I suddenly, finally after many years become a
 5 grandmother of seven grandchildren in seven years so I
 6 see this coming from another generation besides my own
 7 and what I see is I see these parents, and I know of
 8 those of you with children and grandchildren see this
 9 all around you every day, these parents are so
 10 concerned with their children. They are concerned they
 11 get the right health food. Think are concerned that
 12 the house is baby proofed. Have you all run into baby
 13 proofed houses. They are concerned to walk their
 14 children to school lest someone will snatch them on the
 15 way even if they live next door to the school. My
 16 children are those kinds of parents and I know that you
 17 know those kinds of parents too.

18 Then you think what are the real dangers
 19 surrounding these kids? What are the real big dangers?
 20 Dangers of work and destruction and what one nuclear
 21 bomb can do. The bomb at Hiroshima was a teeny weeny
 22 little thing, compared to what we have got now. And it
 23 was only one country that had them.

24 So that brings me to my other P and that is
 25 premise. The whole premise of what we are talking

36/01.01

Page 38

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 39 of 127

1 about here is wrong. We are talking -- our country has
 2 signed onto a number of treaties, one of the best and
 3 most wonderful is the Nuclear Non-proliferation Treaty,
 4 Article 6 states and I don't have the direct words in
 5 front of me but you can look it up, that all the
 6 signatories to that treaty will, in a timely manner,
 7 get rid of nuclear weapons. That treaty was signed
 8 several years ago. What are we planning here at
 9 Livermore? What are we planning within increased
 10 plutonium, increased tritium, increased biological
 11 agents we are going to be experimenting with? Our
 12 President has said that we have the right to, I think
 13 it is another P word, to go in there and prevent, you
 14 know, prevent another country that is even thinking
 15 about using weapons of mass destruction, to prevent
 16 them before it starts. It reminds me of when I was
 17 teaching high school, the play Julius Cesar, the big
 18 point was they thought Julius Cesar was thinking about
 19 changing the government so they were going to kill him
 20 first. Okay.

21 I could go on and on, I know most of this has
 22 been talked about. I just want you to really think
 23 about the premise we are talking about here. I think
 24 we should forget about the environment. I think the
 25 environmental review, I don't want to call it a red

36/01.01
 cont.

37/04.01

Page 39

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 40 of 127

1 hearing. I know they are concerned things should be
 2 safe if they go head with these projects but I believe
 3 the premise is wrong and these projects should not be
 4 gone ahead with. Just the very, you know, enhancing
 5 the readiness to conduct underground nuclear tests
 6 thereby encouraging other countries to regress to an
 7 area of unrestrained nuclear testing?

37/04.01
 cont.

8 Planning to test technologies for producing
 9 plutonium pits with the eventual ability to produce 900
 10 bomb cores a year. The approximate combined nuclear
 11 arsenals that is of China and France in one year. Five
 12 billion dollars a year over the next decade has been
 13 planned, five billion a year on nuclear research and
 14 development testing and production to say nothing of
 15 biological and aerosol, you know, all those things.

38/37.01,
 39.01

16 So --

17 MR. BROWN: One minute left.

18 MS. CANDELL: If nothing else, as some of you
 19 people have pointed out, the danger of having all this,
 20 even if you were for continuing nuclear R&D and
 21 producing more bombs and more defense, even if you were
 22 for that, we are on an earthquake fault and as some of
 23 the other people have pointed out, we are exposed to
 24 terrorists, we are exposed to accidents on the freeway.
 25 It is totally unsafe for these new materials to be

37/04.01
 cont.

Page 40

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 41 of 127

1 coming here that we are talking about, the plutonium,
 2 the tritium, the aerosol biological agents. So I
 3 really think that this environmental impact situation
 4 has to be totally revised to keep it safe for us.

37/04.01
cont.

5 Thank you.

6 MS. DeVINNEY: My name is Jean DeVinney. I
 7 don't have anything as eloquent as many of the other
 8 speakers but certainly I support many, many, many of
 9 the things said today. I live in Oakland and have
 10 been, I am a nurse and, you know, we are already
 11 poisoning ourselves with our air, our water and our
 12 food from other chemicals that we have in the air, the
 13 water and the food, but to put more chemical and more
 14 agents into the environment such as we are talking
 15 about is incredulous to me that this government would
 16 consider doing that. I guess it shouldn't be
 17 incredulous. I just, I feel like there is a disconnect
 18 between a meeting like this and what's going to happen
 19 because I don't have any faith that anything that is
 20 said from the communities that have these projects
 21 will, in fact, really be given any kind of serious
 22 consideration because the decision really has already
 23 been made. There may be a few alterations but I don't
 24 think it will change and I think the only way that this
 25 is going to get any different is for more people to

37/04.01
cont.

Page 41

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 42 of 127

1 believe that yes, the government does do things that
 2 are not in your best interest.

37/04.01
cont.

3 And this is certainly an area, it may have
 4 started out in 1952 being out in the boonies, but it is
 5 no longer out in the boonies and it doesn't belong here
 6 and it should be gotten rid as far as any kind of
 7 nuclear research out here. There is great research
 8 that can be done, people can have their jobs, but we
 9 need to really stop what's going on and I just honestly
 10 don't -- I mean I know you have to go through this
 11 process and it is very kind of you to sit here and
 12 listen to this, but I honestly don't think our
 13 government is responsive.

14 MR. BROWN: Okay, thank you. Daniel Graf.
 15 Daniel, you are next.

16 MR. GRAF: Thank you for giving us the
 17 opportunity to present comments tonight. I have never
 18 given a talk about something like this in public so I
 19 am not even that well prepared. I wrote down some
 20 comments while I was listening to other people speak.
 21 Basically, I am just speaking from my heart, but I do
 22 believe that preventing the use, development and even
 23 the existence of nuclear weapons should be the highest
 24 priority of our leaders. Nuclear development programs,
 25 whether national or local in scope should be discussed

39/02.01

Page 42

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1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 43 of 127

1 openly and frequently by our leaders including the
2 government, including all the agencies, including
3 congress, including the media. This should be part of
4 our national dialog and where is it happening? It is
5 not really part of our national consciousness right
6 now. To me something as serious as this where life on
7 the planet is at stake you would think that there would
8 be a lot of attention given to it and we are talking
9 about it tonight but hopefully it will have greater --
10 it will, you know, we will see the discussion grow, I
11 sure hope it does.

12 I think that the dangers of nuclear weapons
13 should be discussed even with the youth because not to
14 do that is to bury our heads in the sand. It is a
15 reality of the world that we live in, so they should be
16 educated and I hope that you would be prepared to give
17 a talk at a high school to talk about this to see how
18 they might feel about having something like this in
19 their community.

20 As long as the existence of nuclear weapons is
21 not discussed, at least on a national level, then
22 really their use becomes ultimately more likely over
23 time.

24 And I really shudder to think of what the
25 world might look like in the future if nuclear weapons,

Page 43

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 44 of 127

1 even if there are mini nukes or whatever kind of weapon
2 they end up being, but what is our world, our future
3 going to look like if they are ever used and it could
4 actually happen in our life time on our clock. I mean
5 the potential exists and I think that we have to take
6 that very seriously.

7 I have never met anyone liberal or
8 conservative that told me that we needed more weapons
9 on the planet. I have never met a person that told me
10 that more resources should go to weapons than to
11 schools or to education. So I think what we really
12 need and has been reflected in a lot of the comments
13 tonight is a reality check. We should not be making
14 nuclear weapons more usable as the administration has
15 talked about in the past. I think that we need to set
16 an example as a country so that other countries don't
17 consider the use of nuclear weapons. I mean,
18 otherwise, what kind of a case do we have?

19 But getting directly to the point of your
20 topic tonight, in terms of health and safety, we talked
21 about the latent cancer risk. Some of the numbers
22 appear to be low in your analysis; but, I did notice
23 that for workers safety the numbers actually reflected
24 a 700 percent increase in latent cancer deaths for
25 workers on the project and I do also think that more

39/02.01
cont.

40/23.02

Page 44

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 45 of 127

1 research needs to be done in terms of the aggregate
 2 risks from exposure to radiation and some of the other
 3 toxins that might occur in this type of an environment.
 4 Science is now starting to look at aggregate risks
 5 rather than just isolated risks as it pertains to
 6 exposure to dangerous and hazardous materials.

40/23.02
 cont.

7 Of course there is the earthquake risk. This
 8 area is obviously known to have earthquakes. It is not
 9 out of the realm of scientific possibility within a
 10 generation to have a 7 point 0 earthquake right here.
 11 It could happen right here or it could happen 30 miles
 12 away and I would like to know is the Lab prepared for
 13 something like that?

41/14.01

14 MR. BROWN: One minute left.

15 MR. GRAF: And another issue raised in
 16 someone's comments more recently was the possibility of
 17 accidents on the freeway. This is a much more
 18 populated area than it was when Lawrence Livermore was
 19 first developed and constructed. So are we really able
 20 to deal with that? Is that inevitable that at some
 21 point there is going to be an accident in a populated
 22 area o during rush hour, whatnot. So I think maybe
 23 that should be receiving a lot more attention here and
 24 in other places where nuclear research is occurring and
 25 that is all I have to say.

42/25.10

Page 45

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 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 46 of 127

1 MR. BROWN: All right. Thanks very much.

2 We have been running two hours now and the
 3 court reporter is putting in over time this afternoon.
 4 So we are going to take about a seven to ten-minute
 5 break, give him a little chance to let his fingers
 6 recover. You all get a chance to stretch and we will
 7 reconvene in seven to ten minutes and get on with the
 8 rest of our comments. Thanks very much.

9 (Short recess)

10 MR. BROWN: I think our first speaker is Bob
 11 Gould, if you are ready. I think the crowd is ready.

12 MR. GOULD: Sure.

13 MR. BROWN: I think I said in the introductory
 14 statements, if you will use that microphone and
 15 identify yourself and if you have an organizational
 16 affiliation.

17 MR. GOULD: Can you hear me okay?

18 MR. BROWN: We still have 20 people to go. So
 19 I am asking people to restrict themselves to five
 20 minutes. I will give you a warning at four minutes.
 21 If you have a longer written statement you can hand
 22 that to Tom there and that would be reviewed. Thanks.
 23 Okay Bob.

24 MR GOULD: My name is Bob Gould. I am here
 25 representing both the San Francisco Bay Area Chapter

Page 46

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 47 of 127

1 Physicians for Social Responsibility which I have been
2 President of since 1999 and as well as I am immediate
3 past President of National PSR. PSR represents 30,000
4 physicians, health providers and health professionals
5 from around the country and from its inception we have
6 essentially focused on stopping the dangers of nuclear
7 war and providing a healthy environment all of which is
8 connected with the issues we are discussing here
9 tonight. I apologize to people. I know I was called
10 here earlier. I have been working as a pathologist in
11 Kaiser Hospital in San Jose for the last 23 years and
12 it is always interesting to me to show up in places
13 like this because I have been spending whole day in a
14 microscope making diagnosis about cancer trying to get
15 this out to patients so they can get the information in
16 time to get chemo and radiation therapy based upon
17 diagnosis. It is a lot of hard work but you get a
18 sense of giving service to people who actually suffer
19 from the cancers that these plans in all of their
20 manifestations all of the actions are going to lead to
21 increase the amounts of cancers despite the fact it is
22 hidden and very blithely dealt with in the report as
23 latent cancer, latent cancer fatalities. A very
24 euphemistic way to deal with what a really dangerous
25 situation is for all of us. So when I have to deal

43/02.01

Page 47

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 48 of 127

1 with the three different possibilities that we are
2 offered within this rather strange lovia menu I would
3 say that we would favor a reduced operational
4 alternative, but only, and only if this is a pathway to
5 shutting down the nuclear weapons operations in this
6 lab.
7 This is a goal of numerous medical and health
8 professional organizations around the country not only
9 Physicians For Social Responsibility, International
10 Physicians For The Prevention of Nuclear War, The
11 American Medical Association, The California Medical
12 Association, The American Public Health Association and
13 The American College Of Physicians. All of these main
14 stream physician and health professional organizations
15 have joined with many military and political leaders to
16 say we should be abolishing nuclear weapons in line
17 with our treaty responsibilities under article 6 of the
18 NPT. So we certainly are in opposition to any of the
19 assumptions of these documents that we need to have
20 plans that are in line with either stockpile
21 stewardship or the very dangerous Nuclear Posture
22 Reveiw of this administration.
23 All other, the no action and proposed action,
24 will increase the real and potential health effects of
25 nuclear weapons work anywhere from the predicted small

43/02.01
cont.

44/01.01

43/02.01
cont.

45/23.02

Page 48

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 49 of 127

1 increases in cancer from lab operations to massive
 2 health effects that would result including cancer from
 3 the detonation of weapons that a new nuclear arms race
 4 is likely to bring to us. Operation should also be
 5 scaled back towards elimination because of radioactive
 6 contamination from Lawrence Livermore tritium leaks
 7 that have approximated about one million curies
 8 plutonium contamination including Big Trees Park.
 9 There is no need to add to the radioactive legacy of
 10 the Department of Energy, Atomic Energy Commission or
 11 military operations that including the period of above
 12 ground testing led to anywhere from 70,000 to 800,000
 13 increased cancer deaths either premature or people who
 14 will still die prematurely from such cancers. The
 15 number doubled if we take in our counterpart testing
 16 programs in the Soviet Union. There is no need to add
 17 to the legacy of hazardous waste that led Lawrence
 18 Livermore Superfund site, a toxic legacy that is
 19 referred to in the document as still causing
 20 degradation of groundwater which would reportedly
 21 increase at no action and proposed action alternatives.
 22 The assurances that there is quote no immediate or long
 23 term threat to human health from the Superfund
 24 contamination is from a medical and public perspective
 25 nothing more than self-serving propaganda flying in the

45/23.02
cont.

43/02.01
cont.

46/24.01

Page 49

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 50 of 127

1 face of modern precautionary approaches to human and
 2 environmental health.
 3 MR. BROWN: One minute remaining.
 4 MR. GOULD: Such contamination would add to
 5 the legacy of unaddressed or inadequate cleanup of all
 6 DOE sites that were assessed at a cleanup cost of 300
 7 billion dollars although the National Academy of
 8 Science has subsequently said that no cleanup is really
 9 possible for any of these horribly contaminated sites.
 10 So what are the critiques of the proposed action. At a
 11 time of record budget deficits we should not be
 12 increasing the monies for new nuclear weapons
 13 production we should be safeguarding the fissile
 14 materials and the ex Soviet Union sites as well as our
 15 own nuclear weapons site. Tax payers in California
 16 will pay 2.2 billion dollars of the 17.2 billion
 17 proposed for nuclear weapons in fiscal year 2005. The
 18 same amount of money we could provide one and half
 19 million children with health care in this state at
 20 263,000 Head Start places for children. We don't need
 21 operations that will double the plutonium limit in this
 22 lab, that would revive the AVLIS Facility, that would
 23 test technologies for producing new plutonium pits at a
 24 time when we have two tons of explosive force from the
 25 nuclear weapons arsenal for every person on earth. We

46/24.01
cont.

47/03.01

48/04.01

Page 50

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 51 of 127

1 do not need to add plutonium enriched uranium and
2 lithium hydride through various procedures and NIF to
3 our toxic burden and in addition, none of these things
4 should become bind, particularly in a weapons facility
5 with secret lab operations such as the proposed BSL 3
6 lab and I wanted to close on a number of points that
7 deal with the real dangerous situation that we are
8 facing with this proposal. The proposed action
9 alternative has when favored as allowing the attainment
10 of strategies incorporated in the Nuclear Posture
11 Review which specifically supports the development of
12 new nuclear weapons for counter proliferation purposes
13 and which is especially dangerous when integrated with
14 the President's foreign national security strategy of
15 September 2002 which would allow the use of such
16 weapons in a preemptive way, lessons we should really
17 be aware of when we look at the present situation in
18 Iraq. These policies as evident from recent wide
19 spread reports chronicling the horizontal proliferation
20 occurring in Dr. Cohn's labs and elsewhere in Pakistan
21 should really be providing us with lessons about we
22 cannot continue to tell the rest of the world that the
23 way to security is by developing new nuclear weapons.
24 Now this Lab in the biological Weapons Lab or
25 the punitive biological weapons lab in this facilities

48/04.01
cont.

49/35.01

Page 51

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 52 of 127

1 is certainly dangerous for a lot of the reasons people
2 have talked about. Dangerous organisms can escape. We
3 know this from the record of Fort Dietrick when
4 Glanders escaped and certainly over the last few days
5 when we seen that the highly guarded lab in China that
6 was researching SARS allowed such organisms to escape.
7 I will be done in a half a minute. But we also need to
8 be aware of the fact that these programs are extremely
9 dangerous from the stand point of encouraging a
10 biological arms race because when we start dealing with
11 lethal organisms and start dealings with genetic
12 modification of these organisms the rest of the world
13 is going to think this is an offensive biological
14 weapons programs. So what we do with all of these
15 programs here in the Lab is both bolster the threat of
16 biological weapons as well as bolstering nuclear
17 weapons which themselves under the doctrine account to
18 proliferation are aimed at the same types of weapons in
19 other countries. All this means is that we will have
20 ever escalating arms race which we will never be able
21 to stop and which is going to continue to decimate our
22 budgets for the next half century. It is high time for
23 the talented scientists of Lawrence Livermore and the
24 Department of Energy to look beyond the excitement and
25 professional satisfaction accorded by such cutting edge

49/35.01
cont.

Page 52

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 53 of 127

1 technologies that actually will end up cutting the
2 throats of the future of humanity if we continue these
3 programs. Far better for the scientists here and
4 throughout DOE to advocate for strong inspection and
5 verification protocols for strengthened biological
6 weapons convention that the force of the delusion a new
7 smaller and more accurate nuclear weapons will provide
8 a solution. We should shut all nuclear and biological
9 weapons work down and use the talents of the DOE cadre
10 to clean up the messes of the last half century and to
11 address more pressing issues like global climate
12 change. If my hospital practice of diagnosing chronic
13 disease and cancers slows down a bit, it's fine with
14 me. Thank you.

15 MR. BROWN: Our next speaker is Srihari
16 Namperimal. I think he was here earlier. Are you
17 still here? We can get back to you. Matthew Liebman.
18 Good. And Virginia Browning will be next.

19 MR. LIEBMAN: Hi. It is going to be really
20 tough to follow, but I'll try. Good evening. My name
21 is Matthew Liebman. I was born in the East Bay. I am
22 currently a student at Stanford Law School and I am
23 concerned Bay Area resident. As an initial matter I
24 want to say that it is very inspirational to see so
25 many people here, so many older people here as well, it

49/35.01
cont.

Page 53

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 54 of 127

1 gives me hope that I can keep my ideals for a little
2 bit longer.

3 What I would like to do is to introduce a
4 different voice into this discussion, a voice that
5 often gets lost in the technical details of an
6 administrative agency. This is the narrative of a
7 survivor of Hiroshima. You could take the position
8 that such a personal story is simply irrelevant to the
9 supposedly cold objective calculative issues that are
10 before the DOE. I think that position is dead wrong.
11 I think stories like this are the essence of what
12 Lawrence Livermore National Laboratory is about.

13 This is the narrative of Akihiro Takihashi.
14 August 6, 1945 I was 14 years old in my second year of
15 middle school. I was standing in the school yard with
16 about 150 other students. Suddenly with a tremendous
17 roar, everything went pitch black. At length the smoke
18 cleared and I could see the school yard again. My
19 classmates were fallen and scattered all around. The
20 school building was a low pile of rubble. The
21 surrounding houses had also vanished. For an instant I
22 thought the whole city is gone. As I came to my senses
23 I examined my own body. My uniform was burned to
24 shreds. I had serious burns on the back of my head, my
25 back, both arms and both legs. The skin of both of my

Page 54

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 55 of 127

1 hands had peeled off and was dangling down in strips,
2 revealing raw, red flesh underneath. Pieces of glass
3 were protruding from my body in several places.
4 Suddenly I was attacked by an unfamiliar sense of
5 horror. I saw a line of survivors looking dazed
6 dragging their legs wearily and pressing toward me.
7 Their peeled arms dangled oddly in front of them and their
8 clothes were in tatters. Many were virtually naked. I
9 couldn't even see them as human. I thought was
10 watching a grotesque procession of ghosts. I saw one
11 man with hundreds of glass shards piercing his body
12 from the waist up. The skin of another man had peeled
13 off his entire upper body exposing a mass of red flesh.
14 A woman was covered in blood, one eyeball grotesquely
15 dangling out of its socket. Next to a mother whose
16 skin had completely peeled lay a loudly crying baby.
17 Its entire body burned. Corpses were scattered
18 everywhere. A dead woman's internal organs had burst
19 out on to the ground around her. It was all so utterly
20 gruesome. A living hell indescribable in words. To
21 ease the pain I went down to the river dipping myself
22 three times. The cool water of the river was to my
23 scorched body an exquisite priceless bomb. I am saved
24 and with that thought for the first time my tears
25 flowed and would not stop. As I sat there it started

Page 55

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 56 of 127

1 to rain. The first black rain I had ever seen. Huge
2 drops that make a big noise when they fell. I just
3 watched bewildered thinking. Is there really such a
4 thing as black rain? I waited for it to stop and
5 started walking home. Once home I collapsed in a coma
6 and remained unconscious for three weeks. I battled my
7 burns and disease for a year-and-a-half hovering
8 between life and death. A Japanese saying goes nine
9 deaths for one life and that was precisely my
10 experience. My friends passed from this world with
11 acute radiation sickness. I have survived these many
12 years but my right elbow and the fingers of my right
13 hand except for my thumb are bent and immobile. Keloid
14 scars remain on my back, arms and legs, the cartilage
15 in my ears deteriorated from the blood and pus that
16 collected there leaving my ears deformed. I continue
17 to grow a black nail from the first finger of my right
18 hand. I am afflicted with chronic hepatitis. Besides
19 my liver problem, I am afflicted with numerous other
20 ailments and cannot help but constantly worry about my
21 health. While struggling with this frail and damaged
22 body I have often wondered in despair do I really need
23 to live with all this pain. But each time I have
24 answered, but you have already come so far. And that
25 thought has kept me going. Of my 60 classmates I am

Page 56

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 57 of 127

1 one of the very few still alive. I cannot let the
2 deaths of my classmates be in vain. I must be the
3 voice conveying their silent cries to the generations
4 to come. As a survivor, this is my mission and my
5 duty. These ideas are engraved on my heart and I have
6 lived to this day repeating such words to myself
7 continually. My friends were helplessly sacrificed to
8 the atomic bomb without ever reaching adulthood. They
9 died writhing in agony. Their short young lives
10 abruptly ended. Such enormous sorrow, such horrible
11 frustration. Among humans abilities it is said that
12 imagine is the weakness and forgetfulness the
13 strongest. We cannot by any means, however, forget
14 Hiroshima and we cannot lose the ability to abolish war
15 abolish nuclear weapons and imagine a world of peace.
16 Hiroshima is not just a historical fact, it is a
17 warning and a lesson for the future. We must overcome
18 the pain, sorrow and hatred of the past. We must
19 conquer the argument that the damage inflicted and the
20 damage incurred in the name of war were justifiable.
21 We must conquer the logic that the dropping of the bomb
22 was just justifiable. We must convey the spirit of
23 Hiroshima. The denial of war and hope for the
24 abolition of nuclear weapons throughout the world. I
25 sincerely hope you have understood the spirit of

Page 57

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 58 of 127

1 Hiroshima. I will always be praying for your steadfast
2 efforts and progress towards the abolition of nuclear
3 weapons. You can call this defense, I think it is
4 terrorism. You can try to paint it green but the color
5 that comes through when you scratch the surface is red.
6 Thank you.
7 MR. BROWN: Virginia Browning to be followed
8 by Maureen Hartmann.
9 MS. BROWNING: I haven't spoken in a hearing
10 about nuclear anything for a long time, but I have a
11 lot of anxiety lately so maybe this will make me feel
12 better.
13 That Japanese, the student that he just
14 mentioned reminds me of the soldiers that are coming
15 back from Iraq and the ones that are allowed to be
16 tested with the test that means anything and then to
17 have the test results analyzed have found that they are
18 poisoned with radiation from supposedly depleted
19 uranium. So we were -- I grew up in, my name is
20 Virginia Browning, I probably forgot to say that again.
21 I grew up in Utah during the 1950's when they had above
22 ground nuclear testing and then in the sixties when
23 they had huge leaks in the underground tests that were
24 not widely acknowledged and a lot of people don't know
25 about those leaks which drifted all across the country

Page 58

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 59 of 127

1 and the tests may resume again, so they are saying,
2 after a halt, hope beyond hope -- a halt that happened
3 in the '90's but now they are saying they may resume
4 testing again.

5 I guess, yeah, I just wanted to say something
6 in the beginning of this sort of written thing about
7 the lying that they did to us then and that they
8 continue to do and I know you told us not to make
9 personal comments to the panel but it starts to feel
10 here like -- I mean, you know, you say the people that
11 are really going to have the power to make this
12 decision are two individuals, but if there are any
13 people, somebody said, who are profiting from these
14 things, I mean I wish they would get jobs in video
15 stores before they would put the lives of children
16 including possibly their own at risk by continuing to
17 work making these weapons. So anyway --

18 Who tells us that it is okay to spread these
19 poisons or tells you it is okay? A God? Is this your
20 God? If you or someone you know finds you have
21 miraculously created a baby and that baby is found to
22 say -- have a terminal illness such as cancer or
23 painful nerve damage, are you going to stick to your
24 guns and say that this child deserved it and the reason
25 I'm bringing this up is because a lot of people really

Page 59

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 60 of 127

1 justify this kind of thing by somehow thinking that
2 there is some force in the universe that actually gives
3 them permission to make these things. Do you believe
4 that this child would be working out God's will, a
5 punishment, a sort of karma for this life for something
6 the child did in another life. What if she starts out
7 being a really good kid and that you dare to think that
8 it could be in part because of your own nurturing.
9 What if this particular child's greatest sin if you so
10 wanted to so describe it is a kind of self center
11 chattering that takes effects maybe late at night after
12 she has been required to attend an event with her
13 parents and she is trapped in a car with a companion so
14 maybe she goes on and on in ways that you first find
15 irritating then maybe obnoxious and repetitious, but
16 what if that's the worst it gets and otherwise she is
17 just a really incredible helpful child. But then what
18 if she gets cancer and are you the one that is gonna
19 say it's punishment for these late night sins of hers
20 or that it is your punishment for not planning better,
21 for not creating a situation that was too hard for her
22 to resist by forcing her to attend these events?

23 Does God give you permission to spread these
24 around, these poisons? You know the statistics. Young
25 soldiers coming back from Iraq now -- I already said

Page 60

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 61 of 127

1 that part at the beginning. So I can skip it.
 2 MR. BROWN: You have got one minute left.
 3 MS. BROWNING: Okay. The soldiers were told
 4 the same thing as you about ingesting versus breathing
 5 or about the amount likely to have been breathed yet
 6 there they are with their poisoned bodies and their
 7 poisoned wife's bodies something have mixed with their
 8 wife's loved having been entered and having been
 9 retained.
 10 I have thought it was useless to come here.
 11 These are your jobs for which you have been trained by
 12 so called science. Funded or not by certain
 13 benefactors but beyond the eschewability to be truly
 14 objective, some of you should have your doubts but you
 15 maybe you will keep these things anyway because they
 16 are your incomes and your pensions but yet I had to
 17 come here. If no one says anything. We too are at
 18 fault. I hope that somehow some among you can decide
 19 to get jobs in video stores before you will put the
 20 lives of yours or other people's children at risk.
 21 MR. BROWN: Thank you. Maureen Hartmann to be
 22 followed by Avaren Ipsen.
 23 MS. HARTMAN: I am Maureen Hartman. I am a
 24 secular Franciscan, which means I try to follow Saint
 25 Francis of Assisi who would not let his followers bear

Page 61

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 62 of 127

1 arms. I am going to read a poem and then I am going to
 2 unpack it with my reflections.
 3 Victory over devilish incarnation. Nuclear
 4 weapons are the devilish incarnation of human kind's
 5 hatred and fear. The only one stronger than them is
 6 the deity incarnated in flesh rather than in cold metal
 7 and hatred. Love and its vulnerability overcomes its
 8 violence. That is the meaning of civil disobedience
 9 taking on the suffering of an enduring violent spawn in
 10 metallic hatred like Jesus who endured the nails on the
 11 cross. Thus, we hopefully ransom those, the homeless
 12 and hungry who suffer and die, because the use of
 13 precious funds to build nuclear weapons swallows up
 14 monies that could be used to relieve the pain of
 15 poverty.
 16 And now my reflections, a few reflections. I
 17 believe nuclear weapons should be banned because they
 18 are a moral evil in the world. They are an incarnation
 19 or embodiment of hatred of nations for one another.
 20 They spread violence in society in many ways. First if
 21 we have them they will be used. The US is planning for
 22 their use in Iraq. Second they kill without ever being
 23 used because the billions and billions of dollars spent
 24 in their design and creation is diverted from the
 25 financial need of the hungry and underdeveloped

50/32.04

51/01.01

52/03.01

Page 62

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 63 of 127

1 countries and even in the United States. | 52/03.01
 2 Third violence begets violence and they are a | cont.
 3 cause of violent criminal acts in the wealthy
 4 United States because violent examples in adults lead
 5 to imitation at least in spirit by children and violent
 6 examples among the leadership lead to violence among
 7 the followers.
 8 So we can say that they stand on -- that the
 9 stand on defense taken by our Presidential candidates
 10 are a cause of the growing criminal violence in our
 11 country's population. Adults in Oakland follow their
 12 lead by being violent with one another and the children
 13 follow the adults. Thus we see growing violence in the
 14 schools among the young. Thank you.
 15 MR. BROWN: Avaren Ipsen will be followed by
 16 Gus Schleis.
 17 Ms. IPSEN: Hello, my name is Avaren Ipsen. I
 18 live and work in Berkeley within the fallout radius, if
 19 there is of a catastrophic accident or a terrorist
 20 attack here in Livermore. I am a Ph.D. candidate in
 21 biblical literature at the GTU, which is the graduate
 22 theological union in Berkeley and also a lecturer at
 23 UC Berkeley. I feel it's my duty to criticize my
 24 employer, UCB, who manages the Lab. Thus I have joined
 25 the coalition to demilitarize education. I specialize

Page 63

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 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 64 of 127

1 in eschalological texts of the Bible such as the Book
 2 of Revelation. Eschalology is the study of the end.
 3 So you could call me a kind of expert on biblical
 4 Armageddon.
 5 The era I grew up in in the '60's and '70's
 6 was saturated with apocalyptic end of the world dooms
 7 day scenarios such as in films that terrified me like
 8 the Planet of the Apes. On The Beach. Omega Man. The
 9 Last Man on Earth. Soylent Green. The Day After.
 10 Testament, to name a few. Charlton Heston always pops
 11 into my mind when I think of the end or have nightmares
 12 about it. The DOE's ten year plan for Livermore brings
 13 back all of these vivid popular films from my youth in
 14 the '70's. Are you out there Charlton? Bio warfare
 15 agents, anthrax, Bubonic Plague, botulism, all plan on
 16 coming to the Bay Area with its millions of
 17 inhabitants. Then there is the plan to double the
 18 amount of on-site plutonium here at Livermore.
 19 Next, pit production and designs for more
 20 usable nuclear weapons such as mini nukes and robust
 21 earth penetrators. Activities that violate
 22 international treaties. This sounds like a bad '70's
 23 movie I saw at the drive-in as a kid.
 24 But it's a real plan called SWEIS. Or
 25 site-wide Environmental Impact Statement. This plan is

53/04.01

54/01.01

Page 64

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 65 of 127

1 to be occurring here on a major earthquake fault line
 2 with close proximity to a major metropolitan area. 55/14.01
 3 Please someone wake me up from this nightmare. As a
 4 scholar of the end, we liberation theologians pray not
 5 for the total annihilation of all life, the end we pray
 6 for is the end of violent colonial imperial regimes
 7 that refuse to stop trying to dominate the world. I
 8 think given the proclivity of our current
 9 administration for preemptive or preventive war we need
 10 to curb this illegal, immoral nuclear proliferation
 11 agenda that I see in SWIES. It is already time to
 12 clean up the mess already here and make Livermore a 56/07.01
 13 civilian science lab that solves global warming and
 14 cures cancer, thanks.
 15 MR. SCHLEIS: Hi, my name is Gus Schleis. I
 16 am nine and I live in Berkeley. I am in the fourth
 17 grade at Lacon Elementary. I don't like nuclear
 18 weapons. I think they are scary and I also think they
 19 are a waste of money. Why isn't there money for -- why
 20 isn't there enough money for my school but billions for 57/03.01
 21 nuclear weapons? There are schools closing in
 22 Livermore. Where is the money? I think it's in the
 23 bombs. I think nuclear weapons are scary.
 24 I like the idea of fresh, non-polluted snow to
 25 play in but not -- but I don't like the idea of being

Page 65

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 66 of 127

1 in a nuclear winter with it snowing ashes. I want a
 2 future, not a nuclear winter. I live within the
 3 fallout zone if there is an accident at Livermore. I
 4 also have a cousin who works on the laser in the labs
 5 and this report says there will now be plutonium where
 6 he works. If it is not plutonium, it might be anthrax
 7 or the plague. If they now have biological weapons at
 8 the Lab, I am worried about my cousin. I am worried
 9 about me. In the Bible Jesus said: Blessed are the
 10 peacemakers. They will see the kingdom of God. It
 11 does not say blessed are the war makers.
 12 MR. BROWN: Okay. Betty Crosby is next and
 13 Rebecca Moeller will follow. (Inaudible) And the number
 14 of people will speak after you appreciate that. Thank
 15 you very much. Rebecca Moeller? Carolyn Israel? Eva
 16 Bruner? And Don Larkin is next.
 17 MS. BRUNER: My name is Eva Bruner and I live
 18 in Santa Cruz and I am part of the Santa Cruz Weapons
 19 Inspection team. We have a Lockheed Martin where I
 20 live and we started our organization because of the
 21 weapons of mass destruction problem in Iraq, weapons
 22 that were never found and guess where most of the
 23 weapons in the world are, in our country.
 24 So, everything that I -- I kept trying to take
 25 notes and figure out what I was going to say and

Page 66

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 67 of 127

1 couldn't quite do it and everyone has said everything I
2 want to say, but I have one more thing, and that is
3 sitting here listening to all of this and realizing
4 that two people will make this decision for an entire
5 population is utterly unacceptable and I wonder what it
6 would be like if one of those people was a mother and a
7 grandmother? Would the decision be different? And I
8 think that's something to take into account. Why is
9 this decision being made? Why are there nuclear
10 weapons? Is there a future? Do you think that little
11 girl feels like she has a future? Do your own
12 17-year-old children feel like they have a future? I
13 am 44 and I don't feel like I have a future. We are
14 not naive. We know what we are talking about. We know
15 the difference between life and death, creation and
16 destruction and we have a choice and our choice needs
17 to be for peace. Thank you.

18 MR. BROWN: Don Larkin and Lynda Marin is
19 next.

20 MR. LARKIN: My name is Don Larkin. I am not
21 affiliated with any group but I do appreciate
22 Tri-Valley Cares, Western States Legal Foundation,
23 others.

24 I also appreciate you being here, having this
25 hearing, but I think that the people who are actually

Page 67

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 68 of 127

1 making the decision ought to be here to listen to what
2 the people are saying rather than intermediaries who
3 just get summaries of our comments.

4 In five minutes, there is not a lot you can
5 say, but I would like to just pick up one part of what
6 I really intended to talk about.

7 We know from the Nuclear Posture Reveiw that
8 the reason that they are trying to add these
9 capabilities at the Lab is that the Lab will be
10 involved in developing new more usable quote unquote
11 nuclear weapons. That being the case, we must take
12 into account the effect of these activities of the
13 research and development and we must take into account
14 the environmental effect of the products of this Lab as
15 well. Let's just take one of those effects and that is
16 proliferation. The research and development that they
17 propose at this Lab, one of the effects will likely be
18 increased proliferation of nuclear weapons. Weapons of
19 research and development is the engine of
20 proliferation. It is where it begins.

21 First of all, all technology proliferates
22 perhaps especially weapons technology. I suppose at
23 one time there was somebody who had invented a machine
24 gun and thought he would have it just for him it itself
25 but it was a futile hope. At one time we thought we

58/01.01

Page 68

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 69 of 127

1 could keep the atom bomb secret to ourselves. That was
2 also a futile hope. It doesn't take espionage though
3 that occurs. People see what you are doing, people see
4 the direction of the research, people make their own
5 inferences and much cheaper than what you are doing
6 they come to similar conclusions and develop things
7 independently of you, but the great sums that they are
8 spending in fact will result in a proliferation of
9 similar weapons around the world, more usable weapons.

10 There is also -- contributes to proliferation
11 by example. If we can have nuclear weapons why can't
12 anybody else. In we can develop them, why can't
13 anybody else. That is the logic that will prevail in
14 the world.

15 Back in 1995 after a series of public hearings
16 there was a study released from the
17 Department of Energy on the issue of proliferation.
18 The final study came out in December of 1995 in what is
19 called the National Ignition Facility on the Issue of
20 Proliferation. Predictably, that study came to the
21 conclusion that NIF would not contribute to the
22 proliferation of nuclear weapons and it rested that
23 conclusion on a few assertions. I want to look at what
24 those assertions were.

25 First the main assertion was that the Labs

59/01.01

Page 69

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 70 of 127

1 were not pursuing and NIF would not be used to pursue
2 new weapons development. Since it wasn't being used to
3 pursue new weapons development it wouldn't contribute
4 to proliferation. We now know that is not the case.

5 It was also asserted that the Comprehensive
6 Test Ban Treaty would be in place to prevent test
7 explosions and test explosions were necessary to create
8 new weapons. In fact, they claimed that the
9 experiments at NIF would contribute to the test ban by
10 making it possible to monitor the stockpile without
11 testing, that is, by making the CTB -- the, making the
12 content of test ban more palatable to the Lab. It was
13 a kind of trade off, a deal, but we now know that they
14 are contemplating possibly resuming testing at the
15 Nevada Test Site and we also know that test explosions
16 are not necessarily needed to develop new weapons. So
17 that assertion goes.

18 MR. BROWN: Sorry, one more minute remaining.

19 MR. LARKIN: It was also claimed that the
20 openness at the Lab would let the world see the Lab
21 wasn't interested in developing new weapons. Now the
22 Lab is no longer open. And it was claimed that
23 plutonium would not be used in NIF targets of the
24 National Ignition Facility and now they are proposing
25 to use plutonium as targets in the National Ignition

59/01.01
cont.

60/26.01

Page 70

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 71 of 127

1 Facility.

2 Given all of these assertions, that all of
 3 these assertions have been knocked away, all of the
 4 pillars of that conclusion that the work here does not
 5 contribute to proliferations have been knocked away.
 6 We need another study. Another study after public
 7 comment. We need to reopen this issue in a separate
 8 hearing or else in this hearing after a new draft comes
 9 out and we need to get at the bottom of this. There is
 10 more to be said about this but I think I am running out
 11 of time, but the important point is that we don't want
 12 just -- I don't want to see in the response to comments
 13 another assertion that these experts will not
 14 contribute to proliferation. I want to see an
 15 opportunity to comment. I want the rational argument.
 16 I want them to deal with the past assertions that they
 17 made that turned out to be totally false. Thank you.

18 MR. BROWN: Thanks very much. Our next
 19 speaker is Lynda Marin. I also note we have several
 20 people coming up following who have spoken in the
 21 afternoon and I will just ask since they have already
 22 made comments for the record, if they can be reflecting
 23 on perhaps abbreviating their comments just a bit to
 24 allow folks following them who haven't spoken yet to
 25 speak in a timely fashion. Sorry to interrupt.

60/26.01
 cont.

59/01.01
 cont.

Page 71

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 72 of 127

1 MS. MARIN: My name is Lynda Marin, I am with
 2 the Santa Cruz Weapons Inspection Team. And I could
 3 certainly say among the many points that have been
 4 brought up here about NIF, for instance, since you
 5 spoke to it so well a moment ago, that it for instance
 6 is plagued by technical problems. It is not likely to
 7 achieve ignition at all. That the cost has
 8 skyrocketed. It was estimated at one million now it is
 9 at 4.2 million according to the JOL. It is difficult
 10 to accurately foresee the potential environmental
 11 problems that will result from it, that it emits
 12 radiological air pollution from the stack in the
 13 building and also that the NIF accident study doesn't
 14 account for things other than fatalities. Certainly, I
 15 have seen illnesses that make a fatality seem
 16 preferable and some of those illnesses have been
 17 clearly the result of exposure to nuclear weapons
 18 industry or nuclear power industry. So those I could
 19 say were my concerns and the fact is I have ten
 20 thousand other concerns that are like that at about
 21 that level of generalization or specificity but what
 22 I'd really like to say more is that as a child growing
 23 up I was a child, I grew up in the 50's. I was born in
 24 the 40's. And I remember very early on one of our
 25 first games as it were was to make bomb shelters

61/26.03

Page 72

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 73 of 127

1 because the Russians were going to send missiles to us
2 and kill us and we did that sort of thing in school all
3 the time. We had drills to save ourselves by putting
4 ourselves under our desks. And little by little I
5 began to think: You know, a bomb is going to be
6 stronger than my desk. I just knew that desk just
7 wasn't really going to do it. And then when I was
8 about nine or ten I began to hear about the problems of
9 nuclear weapons and how they didn't -- and also in my
10 teens about nuclear waste and the problems that always
11 concerned me was that no one could say where the waste
12 was going and how it would be dealt with and I kept
13 asking people because I was so concerned in my, you
14 know, ten, 11 and 12-year-old mind about making a mess
15 you couldn't clean up. I was always made to clean up
16 my messes and whether or not I liked it and I always
17 did finally have to do it but it seemed like the people
18 who made these weapons didn't have to do it or the
19 logic that they would figure out later how to do it.
20 It didn't work if I said later to my parents.

21 So I went through my childhood and my
22 adolescence feeling as though they had a privilege,
23 those makers of bombs and nuclear energy that I didn't
24 have and then when I grew up I would understand that
25 better and when I came to understand and live into was

Page 73

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 74 of 127

1 MAD, it was truly MAD, mutual assured deterrents, and I
2 thought the people that came up with MAD were joking.
3 I thought that the word MAD was a joke, a sort of
4 sarcastic way of explaining a crazy thing. But -- and
5 amazingly we lived through MAD. But we got to here and
6 here seems more mad than ever to me and if problem, as
7 many people have said, is that in responding to any of
8 these particular points about the EIS, is, in a sense,
9 buying into the premises that it is okay to talk about
10 the possibility that we really could create these
11 nuclear weapons and possibly use them because of course
12 you don't make things that you are not eventually
13 planning on using and so what I would say -- and this
14 is, I guess, the last thing I want to say is: When I
15 sit here and I watch you do your job of listening and
16 being dispassionate and you have done very well at that
17 except for the mention about the movies in the '70's, I
18 see that you really did respond to that, but other than
19 that, that you would be the conveyors of this input
20 from this group of people to two other people who never
21 even have to feel our humanity or the intensity of our
22 concerns or the reality of our life situations is
23 absolutely, totally unacceptable and I feel bizarrely
24 complacent, you know, in some kind of immoral act.
25 So, having said that, I certainly hope and

62/31.04

Page 74

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 75 of 127

1 encourage that this entire plan will be rebrought to
 2 the public within another framework whereby the people
 3 who are making the decisions really do have to listen
 4 to the people who will be affected by the decisions.
 5 Thank you.

62/31.04
 cont.

6 MR. BROWN: Sasha, is it Sajovic? Okay. And
 7 Josh Piper will follow.

8 MS. SAJOVIC: My name is Sasha Sajovic and I
 9 am here as a representative of Green Law at the
 10 University of Washington Law School. I have spoken to
 11 some of you already today and submitted some
 12 information prepared by 20 students at Green Law on a
 13 number of issues raised in this environmental impact
 14 statement including waste generation and disposal and
 15 transportation.

16 Me and my colleagues, Josh Piper and Jason
 17 Morgan are here from Washington about four hours from
 18 Hanford which is the nation's most contaminated nuclear
 19 waste site and Hanford of course was one of the sites
 20 of the first generation of weapons production and
 21 weapons proliferation and watching Hanford and looking
 22 at the first generation of weapons production and
 23 weapons proliferation we found that there are a lot of
 24 very important concerns that haven't been addressed in
 25 this document, just a little trip down memory lane. I

Page 75

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 76 of 127

1 wanted to tell you guys a little bit about a place
 2 called Chelybinsk. When we were building up our
 3 arsenal during the cold war Russia was also building up
 4 theirs and as many of us know they weren't as careful
 5 with a lot of their radioactive waste, in fact, some of
 6 it ended up directly in water bodies used by people to
 7 bathe and drink that they were not aware it was there
 8 and some of it ended up in a lake called Lake Carashe
 9 which at point actually dried up, was part of a dust
 10 storm and affected a great deal of people. Also in
 11 Russia, the Toms facility was subject to an incident
 12 and I think it is important to note that a lot of
 13 facilities in Russia were mimics of facilities built
 14 here using stolen information on how to build those
 15 facilities. Given the AVLIS and some of the
 16 implications that facility has I think this is very
 17 important for us to consider and I also think it is
 18 important for us to consider some of the things that
 19 happened right near our home in Washington during that
 20 cold war period such as the Green Run which subjected a
 21 number of people to intentional releases of iodine 131
 22 which resulted in a great deal of sickness which is
 23 currently being litigated.

24 I also think it is important to recognize that
 25 the waste production at Hanford resulted in a million

63/24.01

Page 76

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 77 of 127

1 gallons of high level nuclear waste which have leaked
 2 out of their tanks and are in the groundwater on the
 3 way to the Columbia River.

4 The legacy at Hanford and at other sites
 5 around the country already threatens workers in
 6 communities daily. Workers that we are familiar with
 7 are the workers over at the high level waste tanks at
 8 Hanford who the Government Accountability Project has
 9 documented have been subject to vapor exposure and the
 10 vapors that they are exposed to are a mix that some
 11 people refer to as a witches brew which contains
 12 chemicals and radioactive materials. There have been
 13 at least 45 exposures in a period of less than two
 14 years and people have suffered potentially life
 15 threatening consequences including weeping lungs and
 16 other really awful sounding symptoms.

17 Communities at risk when wastes are
 18 transported include up in Washington for example, a
 19 number of native American tribes who have the right to
 20 live and fish along the Columbia River and throughout
 21 the United States. If these new materials are produced
 22 there will be waste consequences that will have to be
 23 dealt with.

24 The legacy created in the first generation of
 25 weapons production and proliferation has not yet been

63/24.01
 cont.

Page 77

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 78 of 127

1 resolved. This is easy to see from the shuffling that
 2 underlies this document. A careful look doesn't
 3 indicate a very thorough understanding of where all the
 4 waste will go. I know that a number of people have
 5 mentioned Department of Energy could not identify a
 6 location for all of its plutonium once it is produced.

7 MR. BROWN: One minute remaining.

8 MS. SAJOVIC: Thank you. So I wanted to
 9 conclude my statements with some specific information
 10 that I had the opportunity to look at regarding Hanford
 11 in dealing with just this kind of proposal. There we
 12 did a study at Heart of American Northwest when I was
 13 working there for a few years on off-site waste
 14 disposal at Hanford and what we found was rather
 15 appalling. There were real problems with traceability
 16 of documents, manifests, other information that would
 17 be vital in the case of an accident and particularly
 18 important in this case and I have mentioned this to the
 19 folks up here is that although Lawrence Livermore was
 20 not one of the sites that we examined Lawrence Berkeley
 21 was and Lawrence Berkeley will be sending waste to
 22 Lawrence Livermore if this plan is implemented and one
 23 of the very important things that needs to be
 24 considered is that Lawrence Berkeley has a history at
 25 Hanford a six year history of shipping, what it labeled

64/24.01,
 22.02
 cont.

65/36.01

Page 78

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 79 of 127

1 as low level waste documents and what Hanford buried as
2 low level materials in a low level burial ground and
3 these were actually mixed wastes or what we call in
4 Washington dangerous wastes and so given the history of
5 waste proliferation and the history of contamination of
6 communities and effects on individuals and the history
7 of Department of Energy carelessness or I may even go
8 so far as to say ineptitude in that case. The
9 Department of Energy needs to thoroughly consider the
10 history of the first generation of weapons production
11 as it endeavors to enter a new generation. Thank you.

12 MR. BROWN: Ready to roll? Josh.

13 MR. PIPER: My name is Josh Piper along with
14 Sasha and Jason I am from the University of Washington
15 School of Law and we did have a chance to comment this
16 afternoon so I will try to keep this brief.

17 Before I go into kind of what we came here to
18 talk about I wanted to express gratitude and
19 appreciation for all the personal stories, the
20 narratives, poems, expressions of anger, even in the
21 arguments of morality about whether anyone should ever
22 be doing any of these things that have been expressed
23 tonight and I am excited to see that tonight because I
24 can't make those arguments tonight because that is not
25 my role here today. My role, our role as law students

64/24.01,
22.02
cont.

Page 79

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 80 of 127

1 is to point out the failures of DOE in this document,
2 but rest assured our goals are same. By highlighting
3 these faults we make them go back and do analyses and
4 do it again and again and again until hopefully the
5 common sense it's been expressed by so many folks here
6 tonight becomes apparent to the leaders of the DOE.

7 So with that said I will briefly talk about
8 some of the inadequacy we found in surveying the whole
9 EIS. One of the biggest ones was one of the stated
10 purposes of the continued operations of Lawrence
11 Livermore was preventing the spread and use of nuclear
12 weapons world wide. And being, having that as one of
13 the main goals we found it really odd that there is no
14 discussion of proliferation issues, no discussion of
15 international treaties violations anywhere in the
16 document and that is even something that is contrary to
17 DOE's own history in the last eight or nine years they
18 have done similar non-proliferation analysis in at
19 least four environmental impact statements they have
20 prepared.

21 Second, their accidents scenarios involving
22 airplanes, is kind of their main, their large
23 catastrophic event, only goes so far as to take into
24 account small aircraft from a private planes from local
25 airports. We find that fairly inadequate being the

66/31.04

67/01.01

68/25.08

Page 80

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 81 of 127

1 closest of the Lab to three really large commercial
 2 airports compounded with the fact that the
 3 probabilities of these accidents are only taken into
 4 account as a random accident not as an intended target
 5 of say a terrorist organization.

68/25.08
 cont.

6 Lastly, something I didn't get to express too
 7 well this afternoon, is the range of alternatives that
 8 have been considered in this document. Basically what
 9 they have done is they give you a minimum reasonable
 10 amount of activity and that is called the reduced
 11 action alternative. The highest level of reasonable
 12 activity and that is the proposed action and then the
 13 CEQ guidelines require they have a no action
 14 alternative which in this case actually involves a lot
 15 of actions, supposedly, that have already been
 16 approved. So what you get is this huge extreme from
 17 the maximum allowable to the minimum allowable, three
 18 options in between and nothing else and we just think
 19 that it's just, it's disconcerting to us that for all
 20 the proposed projects, all 20 or some other proposed
 21 all you have are the same exact three options we find
 22 it hard to believe that even a few of these projects
 23 there is not some other point along the way where some
 24 of those projects could be analyzed at a lower level
 25 and the reason is that it becomes very convenient for

69/31.01

Page 81

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 82 of 127

1 the DOE, it is a win win and impossible situation
 2 because if they go so far down to the minimal level it
 3 is easy to say that it doesn't fulfill mandated goals
 4 by Congress or whatever. So they are left with these
 5 other two options, one is the reduced -- or the no
 6 action which already includes a lot of the stuff they
 7 want to do and even the proposed action which is even
 8 more so. So we just feel they really need to go back,
 9 do this again, recirculate a new EIS and really
 10 consider sort of medium points along the way in order
 11 to come out with a good agency decision. Thanks.

69/31.01
 cont.

12 MR. BROWN: Thank you. Okay. Jason Morgan.
 13 MR. MORGAN: Good evening. My name is Jason
 14 Morgan I am also with Green Law. I want to talk to you
 15 a minute about what is this EIS supposed to do. What
 16 is its purpose? It is 2000 pages. Is has got
 17 appendixes here and there. Lots of stuff. What is the
 18 purpose of having this EIS. EIS of course is mandated
 19 by the National Environmental Policy Act which says
 20 that an agency needs to give environmental values
 21 appropriate consideration in decision making. On top
 22 of that the Council for Environmental Quality has
 23 decided to produce a set of regulations about how to
 24 implement the NEPA guidelines and CEQ comes up to a
 25 similar conclusion that NEPA procedures must ensure

70/31.02

Page 82

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 83 of 127

1 that environmental information is available to the
2 public officials and citizens before decisions are made
3 before actions are taken.

70/31.02
cont.

4 DOE then makes its own regulations to
5 interpret the CEQ regulations and the DOE comes to the
6 same conclusion that it is DOE's policy to follow the
7 letter and spirit of NEPA comply fully with the CEQ
8 regulations. So what does this EIS do? Does this EIS
9 provide the necessary information to make an informed
10 decision? Let's take one example. Reading through the
11 EIS you can find the passage where it says there is
12 1,014 barrels of TRU waste transuranic waste that need
13 to be shipped out. In order to do this there is
14 section 3.2.2 has the Waste Isolation Pilot Project
15 mobile vendor which will ship the stuff to the Waste
16 Isolation Pilot Project.

71/22.01

17 So how does that happen? What is the first
18 step that happens when they ship this TRU waste. I
19 can't tell you and I can't tell you because the Waste
20 Isolation Pilot Project mobile vendor is categorically
21 excluded which means the Department of Energy has
22 decided they don't have to do a review on that so they
23 made a decision at some point to do that. So I follow
24 the appendix along and I found that it's, the decision
25 was made in a memo between two people, I can't remember

Page 83

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1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 84 of 127

1 their names now, which is not available to me. So I
2 don't know why they made that decision. So is that
3 going to help me decide how it is that we came to this
4 decision?

71/22.01
cont.

5 Okay. So let's get beyond that. What about
6 what are they going to put it in. What are they going
7 to put the waste in. What is this categorically
8 excluded vendor going to put the TRU waste in. They
9 are going to put it into TRU PACT II containers which
10 are very nicely outlined in appendix J for us to read.
11 The problem is that on March 15th of this year the
12 Department of Energy announced that it was intending to
13 use TRU PACT III containers, TRU PACT III containers
14 analysis is not included in appendix J. So again
15 looking at this document I have come to the conclusion
16 that well, I don't know what -- are they using this or
17 not?

72/20.05

18 And who is putting it into the containers and
19 how was that decision made? I don't know. The
20 document is supposed to provide information for me for,
21 as we mentioned, two people to decide whether or not to
22 implement this program and there were some concerns
23 voiced shortly ago that they don't feel the weight of
24 the decision that they are making. They don't feel the
25 weight of the decision on the people that are around us

Page 84

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 85 of 127

1 and one of the reasons that they don't feel that weight
 2 is because the EIS isn't telling them about that
 3 weight. It is not making clear by what it says in the
 4 document what the weight will be on the community
 5 because it hides behind things like minimal impacts,
 6 negligible effects and ten to the minus 14 LTF's, so --

72/20.05
 cont.

7 MR. BROWN: One minute left.
 8 MR. MORGAN: Thank you. I just want to say
 9 thanks for being here and I was really moved by being
 10 here for the last eight hours and listening to a lot of
 11 people's testimonies and it was very inspirational,
 12 thank you.

13 MR. BROWN: We now have the patient and
 14 gracious Bob Russell to be followed with Stephen Kelly.

15 MR. RUSSELL: I am from up the road. I am a
 16 member of a citizen group, people for a new nuclear
 17 policy. I am also a person from a community of faith.

18 So I thought I might interject some words of
 19 scripture, perhaps, for some words of hope.

20 Mene Mene tekkel parsin. For the biblically
 21 illiterate and illiterate alike one might ask what do
 22 these words mean and further what possible bearing
 23 could they have on this EIS hearing. Don't feel bad.
 24 Nobody knows. Nobody but the prophet Daniel. I won't
 25 go on here with anymore quotes from the scriptures but

Page 85

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 86 of 127

1 those who are interested might look in the book of
 2 Daniel, it is chapter five, verse 24 and following. I
 3 would like to try and put the story in a nutshell. It
 4 is a story of this most powerful nation on earth in a
 5 different time, a different place but with many similar
 6 inferences. In the story the self-proclaimed ruler of
 7 this kingdom who lost track of his humanity and claimed
 8 unto himself the power of life or death over his
 9 subjects has a terrible, shall we say, nightmare. He
 10 has been partying the night before and at his request
 11 they profane the sacred symbols of our tradition.
 12 There is a strange scene in this scripture. No one can
 13 quite understand his dream of the future and this hand
 14 comes out of nowhere and writes on the wall. No one
 15 comprehends it. They can't see it. So he calls for
 16 the Prophet Daniel. Here I digress. I will get back
 17 to Daniel.

18 Do we see the writing on the wall ourselves?
 19 I wanted to say to the DOE with all due respect and I
 20 am not sure really what respect is due. Look, we have
 21 been at this a long time. We, people of faith and
 22 others, over ten years ago I was here for a similar
 23 DEIS concerning the Stewardship, Stockpile stewardship
 24 program. I kind of just want to say: You guys have no
 25 credibility. None. This is a sham. It's over. The

73/32.04

Page 86

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 87 of 127

1 game is up. This deception, this cover up, this
 2 perversity, it is an abomination against humanity,
 3 against the earth and against God. You are planning
 4 mass murder. Do you not know it is already condemned
 5 by the Almighty? What will you say to God on the
 6 judgment day when we, you, me, all of us, will be held
 7 accountable for this unspeakable sin?

8 Now I know we weren't supposed to address
 9 anyone personally on the panel but you, Holmes, I asked
 10 you earlier, I thought isn't it hard to take the
 11 position of a neutral person and yet still strongly
 12 feel passionately about something and we talked about
 13 that a little bit. I just want to follow with one last
 14 question: What are you facilitating for your own self?

15 As citizens of this land, as members of the
 16 human family, we are ashamed of our government. The
 17 DOE and its offspring, the evil Livermore labs. I will
 18 finish with this quote from another Daniel of our own
 19 age, Daniel Barrigan, who happens to be commenting on
 20 this book of Daniel.

21 Daniel now turns his attention to the wall and
 22 its text. Mene mene, quote. The days of the king are
 23 numbered, finished. Tekel, he is weighed and found
 24 wanting.

25 Parsin, his king is divided, given over,

73/32.04
 cont.

Page 87

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 88 of 127

1 unquote.

2 The misuse of the Holy vessels is thus a
 3 symbol of a larger crime, of apostasy, rejection of
 4 God. True to the message of the book of Daniel, time
 5 runs out for every empire of human creation including
 6 the American -- something more is at stake here and the
 7 theory concerning the rise and fall of imperial states.
 8 Something more than a catastrophe at hand, an outcome
 9 rendered inevitable by greed and violence. Something
 10 more even than the consequence of high crime, a
 11 judgment countering the presumption that the high and
 12 mighty stand outside the law of God. Thank you.

13 MR. BROWN: Stephen Kelly and Jo Ann Frisch
 14 will follow.

15 MR. KELLY: Stephen Kelly, Oakland, human
 16 being on planet earth 2004. Fear or love? Fear
 17 nuclear love phasing into green lab. Me or we. Fear
 18 or love?

19 (Playing of a flute).

20 Survival or thriving, survival -- survival.
 21 Can we survive as a species? It doesn't help with
 22 nuclear power, nuclear weapons. Fear or love? The
 23 choice, we are all on planet earth together this moment
 24 not knowing.

25 (Playing of the flute).

Page 88

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 89 of 127

1 Let's choose, let's choose to thrive, let's
 2 love, let's survive, let's live this moment not
 3 knowing. Thank you.

4 MR. BROWN: Jo Ann Frisch is next and then
 5 Marylia Kelley.

6 MS. FRISCH: I am Jo Ann Frisch. I moved to
 7 Pleasanton in 1970 and I now live in Livermore. I am
 8 also a member of Tri-Valley Cares which stand for
 9 Communities Against A Radioactive Environment. Most of
 10 what I would say has already been said, but I do have
 11 some -- a quick overview I'd like to read through, a
 12 few key elements of this site-wide Environmental Impact
 13 Statement. Storage of nuclear materials. This plan
 14 will more than double the storage limit for plutonium
 15 at the Lab. From 1540 pounds to 3300 pounds. It would
 16 increase the tritium storage limit from 30 grams to 35
 17 grams. Tri-Valley Cares calls on the DOE to
 18 deinventory the plutonium and tritium stocks at the
 19 Lab, not increase them.

20 Plutonium atomic vapor laser isotope
 21 separation, otherwise you can call it plutonium AVLIS.
 22 This plan will revive a project that was cancelled more
 23 than ten years ago because it was considered too
 24 dangerous and unnecessary.

25 This SWEIS, this environmental impact

74/08.02

75/27.01,
01.01

Page 85

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 90 of 127

1 statement calls it the integrated technology project.
 2 This a scheme to heat and vaporize plutonium and then
 3 shoot multiple laser beams through the vapor to
 4 separate out plutonium isotopes. This sounds like
 5 something from a horror movie to me. To do this the
 6 Livermore Lab plans to increase the amount of plutonium
 7 that can be used at one time in any one project from 44
 8 pounds to 132 pounds. This is a three fold increase.

9 Furthermore, the SWEIS states that plutonium
 10 AVLIS at the Lab will use a feed stock of powdered
 11 oxides that will first need to undergo processing in a
 12 furnace. Plutonium atomic vapor laser isotope
 13 separation is an environmental risk and a nuclear
 14 proliferation nightmare. Tri-Valley Cares calls for
 15 cancellation of this project and as an interim measure
 16 for DOE to include an analysis of its proliferation
 17 risks in the SWEIS.

18 New experiments in the National Ignition
 19 Facility. This plan will add plutonium, highly
 20 enriched uranium, and lithium hydride to experiment in
 21 the National Ignition Facility. Mega laser, it's a
 22 mega laser. When it is completed at Livermore Lab and
 23 using these materials in the NIF will increase its
 24 usefulness for nuclear weapons development.

25 MR. BROWN: One minute left.

75/27.01,
01.01
cont.

76/26.01

Page 90

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 91 of 127

1 MS. FRISCH: It will also make the NIF more
 2 hazardous to workers in the environment. Tri-Valley
 3 Cares calls for a closeout of the NIF project and
 4 termination of plans to use fissile and fissionable
 5 materials and lithium hydride in it.

76/26.01
 cont.

6 Tritium target manufacture at the Lab. I
 7 don't have time to read all of this. This will be the
 8 manufacture and packing of tritium targets for the NIF
 9 mega laser. There is a new technologies for plutonium
 10 pit production. This makes the Livermore Lab the place
 11 to test new manufacturing technologies for producing
 12 plutonium pits for nuclear weapons. The pit is the
 13 softball sized piece of plutonium that sits inside a
 14 modern nuclear weapon and triggers its thermonuclear
 15 explosion. I mean, I thought the Cold War was over.
 16 DOE doesn't think it's over. The scientists at this
 17 laboratory wants it to continue so that they can
 18 continue their mad research. Tri-Valley Cares calls
 19 for termination of this technology development project
 20 at the Lab. Enhancing readiness to resume full scale
 21 nuclear tests, we have heard about this today.

77/34.01

78/37.01

22 Tri-Valley Cares opposes enhancing US readiness to
 23 conduct full scale tests. And the final thing that is
 24 the most near and dear to my heart is this mixing bugs
 25 and bombs right here in Livermore. BSL 3 it's called,

79/39.01

80/35.01

Page 91

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 92 of 127

1 that stands for bio safety lab at the third level.
 2 It's also called a bio warfare agent research facility.
 3 This is to develop instruments that can tell us what
 4 kinds of bio weapons we have been hit with and the way
 5 that they are gonna do that is to -- the DOE proposes
 6 genetic modification and aerosolizations, that is
 7 spraying, with live anthrax, plague and other deadly
 8 pathogens on the site.

80/35.01
 cont.

9 MR. BROWN: If you can submit the remainder of
 10 your comments in writing. I am sorry, you are about
 11 two minutes over now.

12 MS. FRISCH: Sorry, I waited for several hours
 13 to get up here.

14 SPEAKER: Stephen didn't take up his five
 15 minutes. Maybe she could take a little more.

16 MS. FRISCH: I would like to know what the
 17 Lab plans to do to protect this immediate community and
 18 the larger community of the Bay Area in case of an
 19 accident. They have a history of accidents of all
 20 kinds -- tritium in the water, plutonium in a nearby
 21 park found in the soils. I could go on and on and if
 22 there is an accident with live anthrax or plague, what
 23 will we do? It won't be 70 years from now before we
 24 reap the consequences of an accident. We would know it
 25 pretty quickly. And what kind of preventative is there

81/25.04,
 29.01

Page 92

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 93 of 127

1 in this SWEIS in case of an accident? And to believe | 81/25.04,
 2 there won't be an accident is something I don't want to | 29.01
 3 play with and you shouldn't be playing with either. I | cont.
 4 am outraged at this. The Cold War is over, we do not
 5 need these things to protect and to keep our stockpiles
 6 safe while it is being dismantled. This is to use much
 7 needed money that should be used in other places so | 82/03.01
 8 that we can continue a Cold War mentality of new
 9 nuclear weapons, more usable nuclear weapons and it
 10 puts us all at dire risk. Thank you.
 11 MR. BROWN: Thanks. Marylia Kelley is next to
 12 be followed by Loulena Miles. When I am giving you
 13 warnings I am not trying to cut you off but we do have
 14 fifteen speakers remaining who have waited just as long
 15 and I am simply trying to allow them the same courtesy
 16 and the privilege that other people had. So thank you.
 17 MS. KELLEY: I am Marylia Kelley, executive
 18 director of Tri-Valley Cares in Livermore. I live on
 19 East Avenue in Livermore and have lived in Livermore
 20 since 1976. I am not going to repeat my comments of
 21 this morning, but I am going to add a detail in a
 22 couple of areas and again we will submit more detailed
 23 written comments as well.
 24 Folks in the audience may not know that on | 83/25.07
 25 April 12th, this month, the Defense Nuclear Facility

Page 93

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 94 of 127

1 Safety Board sent a letter to the head of the National
 2 Nuclear Security Administration, the part of DOE that
 3 is doing this site-wide EIS insisting that the NNSA
 4 explain to them why they are downgrading safety in the
 5 plutonium facility at Livermore Lab and this is based
 6 on a inspection and investigation by the DNFSB that
 7 occurred last month and I just want to read a couple of
 8 things. And this has to do with the accident analysis
 9 and I will just say up front I have read the accident
 10 analysis and the draft site-wide Environmental Impact
 11 Statement and it appears to contain the same
 12 assumptions that the DNFSB is about to weigh in on. | 83/25.07
 13 The DNFSB reviewed the leak path factor. Leak path | cont.
 14 factor means what is going to get out of the building
 15 in an accident. What are the consequences going to be?
 16 And they discussed it in detail it says with its
 17 authors and Livermore Lab representatives and they
 18 found a number of things they called the analysis and
 19 its assumptions unrealistic and inconsistent with
 20 authorization basis documents and facility procedures.
 21 They found, for example, in the way the Livermore Lab
 22 models for accidents that they forgot to include the
 23 radioactivity that would go out the doors when the
 24 employees escape through the emergency exits, so when
 25 you look in the site-wide EIS and some of you guys saw

Page 94

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 95 of 127

1 the view graphs and they say well okay, even in a bad
2 accident, hardly any radiation will get out, it is
3 because they forgot to model what happens when the
4 employees leave and by the way having employees leave
5 after an accident is a good thing. So they need to
6 take that into account. The calculations according to
7 the Defense Nuclear Facility Safety Board are based on
8 simply acute scenarios, that is what happens in the
9 course of a fire that lasts 30 minutes. In the SWEIS
10 there is one that lasts an hour and the couple hours
11 after that what the Defense Nuclear Facility Safety
12 Board says what about all of the radiation that leaks
13 out in the days that follow. They are not part of the
14 calculations. So of course they didn't find any
15 consequences, they simply stopped modeling after a
16 couple of hours.

17 Third, they found that the computer program
18 manual used to calculate this leak path factor, it's
19 called contain, has cautionary notes with regard to its
20 use for modeling. The notes recommend performing
21 sensitivity analyses on important input parameters. In
22 other words, it warns against garbage in, garbage out.
23 Well, the Defense Nuclear Facility Safety Board found
24 that the Lab had not done these sensitivity analyses
25 and therefore they don't know if they are getting

83/25.07
cont.

Page 95

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 96 of 127

1 garbage out and I would suggest we saw the view graphs
2 and that was garbage out.
3 As I said the site-wide EIS has these same
4 assumptions. It has the same five percent leak path
5 factor that the Defense Nuclear Facility Board said was
6 unrealistic. Therefore, the Department of Energy must
7 go back and recalculate all of those accidents
8 scenarios and again, recirculate the document for
9 public comment so that we can see how they have been
10 redone before finalizing the document.

11 MR. BROWN: If you can make your remaining
12 points in the next minute.

13 MS. KELLEY: I will.

14 MR. BROWN: Okay thanks.

15 MS. KELLEY: I want to add something to the
16 comments that I and others have already made on the
17 proposal to revive the plutonium atomic vapor laser
18 isotope separation program. I will talk really fast
19 and I get extra points for saying it all. I was part
20 of that effort to stop that program in 1990 in the late
21 '80's and in 1990 when we stopped it. You may recall
22 that a number of groups threaten to sue if the
23 Livermore Lab ran plutonium in the engineering
24 demonstration system without doing an environmental
25 impact statement. You may recall that the

83/25.07
cont.

84/27.01

Page 96

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 97 of 127

1 Department of Energy said okay we will do one before we
2 run plutonium in that system. You may recall that you
3 even scoped that environmental impact statement and
4 then Admiral Watkins cancelled the project before
5 plutonium was run in the engineering demonstration
6 system so it had been our belief based on the law,
7 based on NEPA that no plutonium had ever been run in
8 that engineering demonstration system. There has been
9 no NEPA review with public participation. Imagine our
10 surprise when we are reading the draft site-wide
11 Environmental Impact Statement and we find they have
12 decided to run plutonium in that engineering
13 demonstration hardware. What NEPA document? It just
14 calls it a generic NEPA review. Is it a memo to file
15 which can be a single page long? What was the public
16 participation? Well, that document appears to be
17 classified or UCNI, unclassified controlled nuclear
18 information, so we asked to look at it. How adequate
19 was that analysis? Was that an illegal operation. We
20 believe it may have been but we wanted to at least
21 check the adequacy of the NEPA review. We were refused
22 that document. We FOIA'd it, used the Freedom of
23 Information Act. It still hasn't come. I believe that
24 you are out of compliance with the law right now,
25 today, and we want to see that document right away.

84/27.01
cont.

Page 97

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 98 of 127

1 Thank you.
2 MR. BROWN: Once again the court reporter is
3 asking if we can take just a brief break for him to
4 have his fingers recover. We don't want to miss any
5 record, so we will take a maybe about a seven minute
6 break or so and we should be able to wrap things up as
7 soon as we reconvene. Sorry about that.
8 (Short recess)
9 MR. BROWN: Loulena Miles is next. Maybe she
10 is still out in the hallway.
11 MS. BARBER: My name is Rechael Barber. I
12 have lived in the Bay Area most of my life. I am
13 speaking, I am not affiliated with any groups. I am
14 speaking on my own behalf. I have a few questions I
15 have from my own notes and also I have some information
16 that Loulena Miles provided to me, she is an attorney
17 with Tri-Valley Cares.
18 First, there are a few points that were
19 addressed at the beginning of the hearing about first
20 of all that the plutonium will be secured in vaults and
21 I have a note here that the containers, about the
22 containers that it will be secured in, that in March of
23 this year DOE filed a formal request to approve a new
24 single walled shipping container for radioactive
25 transport and it will be a year before the Nuclear

85/20.05

Page 98

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 99 of 127

1 Regulatory Commission is expected to make a decision on
 2 this and the SWEIS states that the plutonium will be
 3 shipped in accordance with applicable NRC standards and
 4 the DOE -- what I wanted to know about that is that
 5 once that decision is made, once, if it is approved,
 6 how long will it take before it will be in effect and
 7 how effective are these containers and also about the
 8 demolition of the older facilities, how dangerous is
 9 that and how will that increase exposure to the people
 10 that live around the area -- about the worker exposure,
 11 that it will be quote low, how is that measured, what
 12 is being done to minimize the exposure to the workers
 13 and how will their families be affected when they bring
 14 that exposure home, like is there radioactive energy
 15 that they are carrying home to their children and what
 16 if there is like a woman who is pregnant who is
 17 bringing this home, how is that affecting her unborn
 18 child?

85/20.05
 cont.

86/23.02

19 Also, something that Mr. Grim spoke on was
 20 that no valuable minerals will be destroyed underneath
 21 the Lab and I am just wondering what is it that makes
 22 one part of this planet more valuable than another part
 23 of this planet? How is it, what, just because we can't
 24 make money off of it? I am just wondering is that
 25 where that statement's coming from?

Page 99

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 100 of 127

1 And the endangered species loss will be low
 2 and I don't see how that's positive because how is any
 3 loss of endangered species okay?
 4 And that the latent cancer level, the latent
 5 cancer will be low and I have a note here: Plutonium,
 6 when inhaled, just a few micrograms of plutonium, when
 7 inhaled, a very microscopic amount is likely to develop
 8 fatal lung cancer as some of the cells damaged by alpha
 9 radiation begin to multiply uncontrollably so I don't
 10 see how the cancer level is that low if that small of
 11 an amount is breathed in, it could be potentially
 12 fatal.

87/16.02

88/23.01

13 MR. BROWN: One minute remaining.
 14 MS. BARBER: Okay. Oh, one of the things that
 15 I wanted to talk about was that plutonium, I believe,
 16 is derived from uranium and I wondered how is the
 17 uranium mining affecting the communities where it's
 18 being mind. I lived on a Navajo reservation and I was
 19 active in, I was active in supporting the Big Mountain
 20 Coalition in Arizona and I witnessed myself the
 21 evacuation of the people who have been staying on their
 22 land there for many, many generations, our federal
 23 government was forcing people to sign a 75 year lease
 24 that they would leave the land after a 75 year period
 25 and all their life stock is being taken, they are being

Page 100

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 101 of 127

1 put into tract housing, given a block of cheese and
2 being forced to work for companies like Peabody Coal,
3 who are also damaging the land in taking coal out of
4 the land and polluting our environment.

5 So, that is all I have to say right now.
6 Thank you.

7 MR. BROWN: Thank you. Chris Dunn is next.
8 Stephanie Ericson is after Chris. I am sorry, is Chris
9 here? Okay. Stephanie Ericson. Okay. Somebody is
10 sprinting towards the front. You have remarkable
11 energy for this late at night. And Dale Nesbitt will
12 follow Stephanie.

13 MS. ERICSON: He just left.

14 MR. BROWN: Did he have a statement?

15 MS. ERICSON: I don't have it. I hope he will
16 submit it. He had to get up at 5:00 o'clock tomorrow
17 morning so it is a little too late for him.

18 I have to say that every time I hear of a new
19 weapons plan put forth by DOE and the Livermore Lab it
20 never fails to remind me of Walt Kelly's comic strip
21 character Pogo of years ago and his conclusion: We
22 have met the enemy and it is us. However, I have to
23 say that we in the community of Livermore Valley are
24 not the enemy nor are other peoples on our precious
25 earth the enemy yet we may all pay a price for this

89/04.01

Page 101

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 102 of 127

1 dangerous course of ramping up nuclear weapons work at
2 Livermore Lab and other DOE sites and now also adding
3 research and bio warfare agents to the mix. Why is it
4 that so many programs justified on national security
5 grounds make me feel insecure and vulnerable. Our real
6 enemies are the goal of never ending and ever
7 increasing nuclear domination and the inevitable
8 response of other nations and groups to our hypocrisy
9 of more nukes for us while we point fingers at weapons
10 of mass destruction real or imagined elsewhere.

89/04.01
cont.

11 My concern about DOE's ten year plan for the
12 Livermore Lab are both global and local. I am
13 concerned about the increased amount of plutonium that
14 this plan would permit at the Lab because it increases
15 opportunity for greater plutonium emissions into our
16 community. Since 1960 there have been at least 30
17 releases of plutonium, uranium and other radioactive
18 substances at the Lab. There have been fires, spills,
19 filter failures, leaks and criticality accidents. In
20 addition plutonium contaminated sewage has been
21 discharged into Livermore's waste water treatment plant
22 and liquids with plutonium poured on to the ground.
23 Plutonium in unlined liquid waste pits leached into the
24 soil and some may have been swept into the atmosphere
25 after evaporation. In a 1996 report found that the

90/33.01

91/23.01

Page 102

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 103 of 127

1 Livermore Lab could not account for 12 pounds of
 2 plutonium possibly due to spills, releases and/or
 3 measurement errors. We also know that elevated levels
 4 of plutonium have been found in Big Trees Park in
 5 Livermore with no definitive explanation for how it got
 6 there. Some theories yes but no real answers. It
 7 therefore seems irresponsible to let the Lab have even
 8 more plutonium and all the more so when you consider
 9 its purpose, to introduce new nuclear weapons
 10 technologies here.

91/23.01
 cont.

11 P AVLIS, as mentioned before, atomic vapor
 12 laser isolation separation, this was previously
 13 proposed. I didn't realize for plutonium but I know
 14 later for uranium isotope separation and then abandoned
 15 for that too I believe because of environmental
 16 concerns however this new plan will use 220 pounds of
 17 plutonium each year increasing air pollution and
 18 increasing the stream of transuranic waste, that is
 19 stuff like plutonium and uranium at the Lab to over 20
 20 times current levels.

92/27.01

21 Another project already been mentioned by
 22 others, plutonium pit manufacturing. Again this adds
 23 risk to the community for something that is not needed
 24 to maintain the current nuclear weapons stockpile.
 25 These programs are also directly linked to the intent

93/37.01

Page 103

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 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 104 of 127

1 by the Bush administration to develop new nuclear
 2 weapons such as the robust nuclear earth penetrator and
 3 the so-called mini nukes. I guess the idea for mini
 4 nukes is to make them seem small enough and maybe even
 5 cute so that it becomes thinkable to use them. It is
 6 like how could a mini nuke be that bad, right?

94/01.01

7 Eventually the DOE plans to construct
 8 somewhere, we don't know where yet, a modern pit
 9 facility to have the capability if it ran double shifts
 10 to each year produce 900 pits an amount that I
 11 understand is equal to the entire nuclear arsenal of
 12 France and China combined.

93/37.01
 cont.

13 The purpose of the Livermore pit facilities to
 14 work out the bugs of the new plutonium pit
 15 manufacturing technology prior to large scale
 16 fabrication elsewhere.

17 MR. BROWN: One minute less.

18 MS ERICSON: I will try to talk even faster.
 19 While the Lab is working out these bugs it will become
 20 host of bugs of another sort as we already heard.
 21 DOE's proposal to bring bio warfare agent research to
 22 Livermore strikes me as especially wrong headed. The
 23 proposed BSL 3 facility here would allow research on
 24 agents for potential for airborne transmission that can
 25 be deadly if untreated, anthrax, botulism, bubonic

95/35.01

Page 104

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 105 of 127

1 plague. Not only am I concerned about the impact of
2 potential accidents with these agents in a heavily
3 populated area such as ours but also about the message
4 we would send to other nations and groups that the US
5 chooses to do this kind of politically sensitive
6 research in a super secret nuclear facility whose
7 primary mission is military research. The line between
8 defensive and offensive research in this area is very
9 thin. By doing it in a classified site like this,
10 directs tremendous obstacles to oversight both
11 domestically and internationally. Even if the Bush
12 administration hadn't lowered US credibility with false
13 assertions about definitive evidence of weapons of mass
14 destruction in Iraq, do we really expect that, don't
15 worry, just trust us will cut it on this? I don't
16 think so. It seems to me that this is a recipe for
17 disaster. That as a nation we are leading by
18 missexample. I would ask the DOE that it more
19 seriously consider the local health and environmental
20 impacts of these and the other new or expanded proposed
21 programs and in addition that it undertake a rigorous
22 review of these programs' potential proliferation
23 impact the weapons of mass destruction and I would ask
24 that such a review include the assessments of
25 independent experts who are not connected with DOE by

96/25.04
97/01.01
98/25.05
97/01.01
cont.

Page 105

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 106 of 127

1 employment, collaborative work or past affiliation.
2 Thank you very much.
3 MR. BROWN: Thanks. AL Sandine. Gordon
4 Schultz. And after Gordon, Michael Ender.
5 SPEAKER: Since 1975 the Lawrence Livermore
6 National Laboratory has been providing very excellent
7 full-time jobs for people with mental retardation.
8 Currently the Laboratory has about 30 people with
9 developmental disabilities and very significant
10 learning disabilities and they contract with the agency
11 that I run. I am executive director for AID Employment
12 and in the midst of all the other things that the
13 laboratory has done and is doing, one of the things
14 that they very quietly do without bringing attention to
15 it, without asking for a claim or recognition, is very
16 quietly integrating people with developmental
17 disabilities into their work force changing their
18 lives, providing them with not only income but with a
19 meaning in life. They are included into the work
20 force. They are fully integrated and become part of
21 that society and I don't know if you know anything
22 about that population but back in 1975 when this
23 program was started by the Livermore Lab, people with
24 developmental disabilities were relegated to sheltered
25 workshops and were expected to stay in there and you

99/15.01

Page 106

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 107 of 127

1 know just kind of behave. The Livermore Lab saw a
2 potential that few people in the rest of the country
3 saw and have brought these people in collaboration with
4 a nonprofit agency, our nonprofit agency, employment
5 into the work force and the Laboratory received
6 national and state awards for this program and I think
7 it is something that people should be aware of. Thank
8 you to Livermore Lab and DOE.

99/15.01
cont.

9 MR. BROWN: Thank you. Okay. Michael Ender
10 and Vernon Brechin is afterwards.

11 MR. ENDER: Good evening. My name is Michael
12 Ender. I am a parent, soon to be a grand parent
13 through marriage and also a member of a faith
14 community, also a graduate student in philosophy at
15 Graduate Theological Union and I have been grappling
16 with a couple of problems over the last couple of years
17 having to do with State and society and their relation
18 and also the ethical community and I want to say first
19 of all that, before I go any further, that I oppose any
20 increase in nuclear weapons design and manufacture at
21 the Lab and I call upon the DOE to analyze conversion
22 of the Lab to peaceful purposes. I just want to say
23 that before I went any further.

100/04.01,
07.01

24 But in struggling with the ethical community,
25 that is why I say, I am a member of a faith community

Page 107

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1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 108 of 127

1 but also of a larger community in the sense that I feel
2 like or not feel but I have reason to a point where I
3 am convinced that we have a responsibility beyond a
4 responsibility to our families and to ourselves, but to
5 a larger community and I think that there is a very
6 ethical community that gathered here today because
7 taking time out from your busy schedules, from your
8 work, and I also want to thank the DOE for having these
9 hearings and for your public service and that's what I
10 think the sign of maturity and ethics is, is a kind
11 of -- is a public service, a public -- you are seeking
12 a public good beyond an individual good and I have
13 become convinced that the good that a government grants
14 its people is freedom in the sense that, and freedom is
15 a word that I have really come to believe is totally
16 almost completely misused; but, I believe that it has
17 to do with making an intelligent choice to obey
18 intelligent laws and I think that the intelligence
19 comes --

20 Intelligence is another question that I have
21 been grappling with. I apologize if I am a little
22 disorganized. I only found out about the hearing
23 yesterday kind of by accident and I tried to keep
24 informed. I listen to the news every day. Hours of
25 news everyday and just by accident I heard about this

Page 108

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 109 of 127

1 hearing and it seems to me I would also like to ask
2 that there be more hearings, a lot more hearings,
3 because I think that for people to make an intelligent
4 decision and for you to make an intelligent decision
5 and come up with an intelligent plan, a reasonable
6 plan, you have to incorporate the reason of many, many,
7 many people and it seems to me that I am concerned,
8 like I have been thinking about the FCC hearings when
9 they wanted to make some changes in the regulations
10 there where there was only a few hearings scheduled and
11 one of the commissioners asked for more and the more
12 hearings they had, the more people they were able to
13 hear from, were really opposed to the changes proposed.
14 So I think for us to really have an intelligent policy,
15 we have to include more voices and I think that --
16 well, I want to say as --

17 MR. BROWN: Just about a minute left.

18 MR. ENDER: Okay. I will try to wrap it up.
19 I also -- okay, I have several points but I will take
20 just 45 seconds to say that I think that, you know, one
21 of the problems I have really been grappling with is
22 science and knowledge and what is science? And it
23 seems to me that, I mean for a long time I have been
24 trying to figure out this philosophy of science and it
25 seems to me that it is possible to have a very, very

101/31.02

Page 109

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 110 of 127

1 convincing argument but still you can have a convincing
2 argument on the other side and so you know, what you
3 are proposing makes sense in a certain way; but, I
4 think it is leaving out a kind of common good. I guess
5 I will just wrap up by saying that, like, for example,
6 you know, you can have a global warming. You can have
7 a debate, you know, and you can have a very large
8 consensus of scientists around the world saying that,
9 you know, this is really a problem and then you can
10 have some scientists come along and say no, this isn't
11 a problem. It is not really good science.

12 I will just conclude by saying that I don't
13 understand, really, actually, why it is the
14 Department of Energy that is here today and why it's --
15 because we are talking about weapons -- nuclear, well,
16 weapons and nuclear weapons proliferation and it just
17 seems to me that the one, the one purpose of government
18 that I am sure of is that it's to protect its citizens
19 and I don't think that, even if you could make these,
20 these weapons safe for the people who work in and even
21 for this area, I don't think they are going to make --
22 it is not going to make the world safer. I don't
23 think, you know, it was Einstein that said you can't,
24 you know, work for peace and war at the same time and
25 so I just think that -- and it really, A J Musky says:

Page 110

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 111 of 127

1 There is no way to peace. Peace is the way and I
 2 really would encourage you to try to have more
 3 hearings, take more of the people's voices into
 4 consideration, people who care about peace, people who
 5 care about the ethical community, thank you.

101/31.02
 cont.

6 MR. BROWN: Thank you. Vernon Brechin. And I
 7 think Ben Louder is next.

8 MR. BRECHIN: My name's Vernon Brechin and I
 9 am a member of Tri-Valley Cares but I am basically
 10 speaking for myself. I think my awakening started as a
 11 young kid early in elementary school when I went
 12 through the duck and cover drills and even then I think
 13 I felt like I was part of a pawn in a propaganda thing.

14 Later on I enlisted in the Air Force. 1971 I
 15 maintained a large antiquated trouble prone computer
 16 which could play a role in launching nuclear weapons.
 17 Then I began to -- and I heard about accidents that
 18 weren't told to the public that dealt with nuclear
 19 weapons and things like that and I began to think:
 20 Maybe I should put my caution not so much in the
 21 Soviet Union, but in those people who convinced
 22 themselves that they were working on behalf of life,
 23 liberty and the pursuit of happiness -- these people, I
 24 thought, maybe they are the greatest threat.

25 Anyway, I will do my prepared statement now.

Page 111

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 112 of 127

1 Thank you for this opportunity to comment on the
 2 Lawrence Livermore National Lab EIS, which I will call
 3 the SWSPEIS. Most reviewers would find it impossible
 4 to comprehensively review the summary booklet and three
 5 volumes within the allotted comment period. My
 6 comments will cover less than one percent of the issues
 7 presented in this multiple component EIS document. As
 8 I expected, I ran across many examples of the fine art
 9 of omission. Here are just a couple of them. Clearly,
 10 the primary driving factor behind this plan is existing
 11 administration policy. At the end of section 161 it
 12 states: That scoping comments requested that the
 13 SWSPEIS should address Lawrence Livermore activities at
 14 other sites, ie, nuclear weapons activities at the
 15 Nevada Test Site. Then it states: These alternatives
 16 were considered unreasonable. Perhaps that response is
 17 related to an estimated 7.29 trillion dollars of
 18 environmental damage that was rendered to the
 19 underground nuclear explosion testing portions of the
 20 Nevada Test Site. Here is the DOE document that
 21 contains the figure, 7.29 trillion dollars. Very few
 22 people have heard about this.

102/31.02

103/07.02

23 Most of these tests were performed under the
 24 sponsorship of Lawrence Livermore National Lab and Los
 25 Alamos National Lab. If the present administration has

Page 112

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 113 of 127

1 its way, this lab will likely resume full scale testing
 2 at the Nevada Test Site. This SWSPEIS needs to address
 3 all aspects of the Lab's impact on our environment. I
 4 also noticed some omissions that anyone with a basic
 5 understanding of nuclear fission technology should have
 6 seen. It appears in a appendix M, the NIF portion
 7 under section M 53131, radio nucleoid I had materials
 8 management --

9 MR. BROWN: If you can make your point in the
 10 remaining minute, thanks.

11 MR. BRECHIN: Okay. Table M 53131.2 titled
 12 estimated maximum mobilizable radio nucleoid
 13 inventories proposed action is very poorly formatted
 14 and is missing large numbers of figures product radio
 15 nucleoids. Many of those missing radio nucleoids can
 16 be extremely harmful if released into the general
 17 environment. These include key radio isotopes such as
 18 cesium 137 and strontium 90. This type of omission
 19 needs to be rectified in many of the SWEIS tables and
 20 the public deserves an explanation as to why these were
 21 omitted and how these omissions damage the impact
 22 analysis that was performed. I urged the selection of
 23 the reduced operational alternative though it fails to
 24 address our nation's addiction with nuclear weapons of
 25 mass destruction and this alternative fails to comply

103/07.02
cont.

104/26.05

105/06.01

Page 113

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 114 of 127

1 with the overwhelming sentiment of members of the
 2 public that commented on the scope of the plant, EIS
 3 plans. I will provide further comments later. I hope
 4 you will take these and other public comments
 5 seriously, even if it requires the creation of a new
 6 series of EIS's or a change of existing policy. Thank
 7 you again.

8 MR. BROWN: Ben Louder. Has been here?
 9 Michael Veiluva. Okay. Michael is here and Phoebe
 10 Sorgen is here. You will be next.

11 MR. VEILOVA: My name is Mike Veiluva and I am
 12 counsel to the Western States Legal Foundation and I
 13 want to just address two basic points. I will give a
 14 little background, our organization represented
 15 Tri-Valley Cares in the 1988 lawsuit, it is hard to
 16 believe it was 16 years ago, which sued the University
 17 of California which had produced an environmental
 18 impact report that was about 1/50 the size of the
 19 current environmental impact statement. As a result of
 20 the settlement of that case, we went to the next level,
 21 which was the 1992 combination EIS/EIR. So that's our
 22 background into this and over the years we have been
 23 involved in a number of administrative and legal
 24 proceedings involving this.

25 So, in part, we are to blame for what we are

105/06.01
cont.

Page 114

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 115 of 127

1 doing now. Yeah, right. The 1992 EIS gave us a couple
 2 of statements which have stayed with us ever since and
 3 are indicative of the conundrum we face. One is when
 4 we were asked about the alternative of disarmament. We
 5 were told disarmament is too speculative to consider as
 6 a realistic alternative. That was quote number one.

106/01.03

7 The other one I remember is that there are no
 8 cultural resources of significance in the Livermore
 9 region which has to be a dis, I am sorry. There are
 10 always macro and micro issues with any NEPA analysis
 11 and unfortunately NEPA is an imperfect and crabbed way
 12 of looking at the ongoing problems associated with the
 13 operation of the Livermore Labs. We are not supposed
 14 to talk about policies issues. It is hard to talk
 15 about the interrelationship of this Lab with the rest
 16 of the weapons complex of which Lawrence Livermore is
 17 only a part but we do what we can. That is why so many
 18 of the comments from a NEPA perspective don't really
 19 fit but they do fit because this is the only forum we
 20 have and so we have to say what we're saying because
 21 the way these decisions are made, nobody has any other
 22 really outlet for many of the feelings and opinions
 23 that they have. So this is for a very important
 24 process for the public.

25 The problem that this environmental impact | 107/07.03

Page 115

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 116 of 127

1 statement shares with the 1992 statement is that we are
 2 only looking at incremental impacts from changes in an
 3 ongoing project rather than a new project so we have,
 4 well, ten percent expansion here versus ten percent
 5 retraction and then a no action alternative which an
 6 earlier speaker aptly pointed out was actually lots of
 7 action but it just happened to be the status quo. The
 8 way that might expand the analysis to a point where we
 9 can then truly reflect on its impacts would be: Well,
 10 what would the Bay Area, the community, the environment
 11 look like without the Lab? Let's take that as the zero
 12 baseline and work from there rather than an ongoing
 13 project.

107/07.03
cont.

14 MR. BROWN: One minute left.

15 MR. VEILOVA: Oh, jeez. Okay. In 1988 we saw
 16 the camel's nose with some of these projects. In 1992
 17 and now we're getting to see the hump. Why not on the
 18 upside of the alternative show us the whole camel. How
 19 much ultimately is going to come in in the form of
 20 plutonium? What is the weapons facility going to look
 21 like in ten or fifteen years? You tell us five years,
 22 maybe two years, but given the promises the community
 23 has been told over the years, well, we are really not
 24 going to run plutonium through AVLIS, we promise no new
 25 weapons systems are going to be developed here and then

Page 116

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 117 of 127

1 we see that is what we are stuck with.

2 If I were a developer and I came before
 3 Alameda County or the City of Livermore and I was going
 4 to build a commercial facility and I told them well I
 5 am to conduct bio weapons experiments, I will bring in
 6 1500 kilograms of plutonium and study simulated weapons
 7 effects, I swear to you the impact statement before
 8 they laugh me out of the City Council, would look a lot
 9 different.

10 Economists call it zero based budgeting. I
 11 think the EIS has to start from a zero base. There is 108/07.03
 12 so much more I can say, you will see our written
 13 comment and hopefully it will be given the attention
 14 that -- well, more than it has in the past. I have to
 15 say that, so thank you for your time. I appreciate
 16 this, I appreciate the fact you are doing an EIS,
 17 although I don't know why it was ten years instead of 109/31.02
 18 five years, but there it is. Thanks.

19 MR. BROWN: Thanks very much. Phoebe.

20 MS. SORGEN: I am Phoebe Ann Thomas Sorgen. I
 21 am a peace and justice commissioner for the City of
 22 Berkeley but I am speaking tonight representing the
 23 social justice committee of my church the Berkeley
 24 Fellowship Of You Use and I am also representing my
 25 kids, my kids friend and their families or many of

Page 117

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 118 of 127

1 them. We are less than 50 miles away. That is too
 2 close to this. I especially want to thank the speakers
 3 and the organizers for tonight. It is most important
 4 that you are here. It is a sacred act. It is probably
 5 one of the most important things you can do today and I
 6 studied radiology for two years to be registered as a
 7 health care provider. I earned a Bachelor of Science
 8 Degree in biology and the last credit that I needed to
 9 graduate was a physics credit. I took it and it was a
 10 senior level course for physics majors titled: The
 11 Impact Of The Nuclear Age on Society. This was at the
 12 University of North Carolina, taught by a Ph.D. a
 13 nuclear physicist and I was flabbergasted by what I
 14 learned about plutonium and the whole nuclear shebang
 15 and it really seemed like a miracle that we are still
 16 here today. There have been so many close calls.

17 In 1984 I gave a year of my life to the
 18 nuclear weapons freeze and I have to say it was one of
 19 the best years of my life. It kind of lifted this
 20 black nuclear cloud that I had been carrying around and
 21 I highly recommend going door to door talking to
 22 strangers about something that you feel passionately
 23 about. It was a very large movement and of course the
 24 Cold War later ended. The World Court ruled in 1996
 25 that nuclear weapons are illegal. We are now thumbing 110/01.01

Page 118

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 119 of 127

1 our nose at international law -- we, the Bush
 2 administration, the US government. We are thumbing our
 3 nose at the world. We are thumbing our nose at
 4 safety. What happened to that peace dividend. 9/11?
 5 The robust earth penetrator would not have prevented
 6 9/11. And yeah, and star wars, that whole -- the
 7 national missile defense. It is offensive. It
 8 wouldn't have prevented 9/11. It doesn't make us safer
 9 at all. On the contrary. Unilateral preemptive
 10 strikes infuriate the world and recruit more
 11 terrorists. The Pentagon said just a couple years ago
 12 that, one study, a 15 percent Pentagon cut would not
 13 make us less safe, cutting the budget, and that is what
 14 it would take to end world hunger. If we ended world
 15 hunger, nobody would want to bomb us. We would be the
 16 heroes of the world. The Nuclear Posture Review is
 17 illegal and immoral and it does not increase safety.
 18 It makes us less safe. It will fuel a new arms race
 19 and these proposals for Livermore will fuel a new, a
 20 renewed arms race and make us less safe by enraging
 21 even our Allies. It is ultimately a plan that is
 22 suicidal for our species. That is the large picture.
 23 A smaller picture involves highway accidents,
 24 earthquake, maybe a plane accident or a plane
 25 intentionally crashed into the Livermore Lab and on the

110/01.01
 cont.

111/02.01

110/01.01
 cont.

112/25.01

Page 119

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 120 of 127

1 micro level it includes cancers resulting from the
 2 inevitable toxic leaks. Accidents happen. My dad has
 3 two kinds of cancer right now. My mom had two kinds of
 4 cancer, my best friend had cancer, my step daughter's
 5 mom has cancer and now my husband has cancer and my
 6 next-door neighbor died of lung cancer though she
 7 didn't smoke. So I wondered way back when in college,
 8 I learned that one spec of plutonium inhaled will cause
 9 lung cancer. Half of the men alive today will have
 10 cancer some time in their lives and one-third of the
 11 women continuing at the rates.
 12 MR. BROWN: One minute remaining.
 13 MS SORGEN: I stock potassium iodide for my
 14 family and I suggest you do as well. I also stock a
 15 lot of painkillers and I suggest that you do. Helen
 16 Caldecot and Daniel Elsberg have both said that we are
 17 closer to nuclear Holocaust than ever in history and
 18 Daniel Elsberg has described that as hell, as you heard
 19 the description of the Holocaust survivor, that is what
 20 we could go through. But don't just prepare for it and
 21 despair, I am asking you all to keep fighting in
 22 whatever way you can, keep struggling against this. I
 23 thank Tri-Valley Cares, you are my heroes, whistle
 24 blowers are my heroes, saboteurs are my heroes and you
 25 who work for the Lab, you are in a privileged position.

112/25.01
 cont.

Page 120

DAILY COPY DEPOSITIONS
 1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 121 of 127

1 You could become heroes, heroes to the world. You
2 could be very proud of what you do for the rest of your
3 life. You are here for a reason hearing this. It is
4 not easy to hear this. It is not easy for me to hear
5 it, to think about it. The reason why the hundreds and
6 thousands of people are not taking to the streets over
7 this besides the crack down of the corporate media that
8 the word just isn't out, it is too hard for the people
9 to think about. They can't face it, but if people knew
10 they could face it, then we would put a stop to this.
11 There would be a general strike. We would strike every
12 first Friday of the month and then every single Friday
13 and there would be a general strike if people could
14 psychologically face, it is ridiculous. Our destiny as
15 a species as the smartest species ever in existence on
16 this planet our destiny is to create world peace to end
17 world hunger to create a world that is just and fair
18 for everybody that is safe for everybody and we where
19 creativity flourishes. That's what we can do. And we
20 can do it with creativity. The thing is to engage
21 people through -- by celebrating the life and the humor
22 and the beauty and the art and I love the ones who came
23 in the weapons inspector costumes. Thank you.
24 MR. BROWN: Wrap things up. Patrice Sutton.
25 MS. SUTTON: Well, thank you. I am Patrice

Page 121

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 122 of 127

1 Sutton and I work in public health and it seems like
2 just yesterday that I stood here to voice my concern
3 about the Lab's last EIS absent then and again now ten
4 years later is a true accounting of the Environmental
5 Health Impacts of the Lab's activities and as part of
6 our global legacy of the Lab's activities one observer
7 Dr. Bernard Laund who was the co-President, a former
8 co-President of the International Physicians for the
9 Prevention of Nuclear War has likened that legacy to a
10 radiological warfare that has been waged against
11 unsuspecting populations and I think we need to -- and
12 actually the IPPNW won the Nobel Prize for peace and I
13 think that that is kind of the context that we are back
14 in even more so as the other people have talked about.
15 Absent from this EIS is a real accounting but in its
16 place are statistics and assumptions that have been
17 contrived, sterilized and ostracized from the truth of
18 what it means to do this work in this place at this
19 time.
20 Locally for the past decade as a Board member
21 of Western States Legal Foundation, particularly, I
22 have written countless comments and spoken so many
23 words about the Lab, which is the Superfund site, the
24 environmental activities that it is really hard to know
25 where to begin but I am compelled to try because to be

Page 122

DAILY COPY DEPOSITIONS
1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 123 of 127

1 silent would be a betrayal of the forget me not's I saw
 2 last weekend on a nearby hill while hiking. There is
 3 still much to be grateful for on our planet and nuclear
 4 weapons dreamed up and designed and soon to be
 5 constructed here are the enemy of all things beautiful.
 6 As the President of the World Court said on the
 7 occasion of the court's declaration that nuclear
 8 weapons are -- that nuclear weapons, the threat of use
 9 of nuclear weapons is illegal, he said that the very
 10 nature of this blind weapon has a destabilizing effect
 11 on humanitarian law which regulates discernment of the
 12 type of weapon used. Nuclear weapons, the ultimate
 13 evil, destabilized humanitarian law which is the law of
 14 the lesser evil, not to mention their long-term effects
 15 of damage to the human environment in respect to which
 16 the right to life can be exercised.

113/01.01

17 So, for the record, once again, the Lab's
 18 activities have put tritium in the air, plutonium in
 19 Livermore parks and at school in its backyards and all
 20 around town and I would add that the
 21 Department of Energy spent 97 million dollars between
 22 1990 and '97 fending off lawsuits filed by workers and
 23 citizens relating to just such responsible nuclear
 24 weapons production activities. It seems likely that
 25 even among the most egregious corporate polluters the

114/23.01

Page 123

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 1-800-729-1804

Public Comment Hearings, Livermore, CA
 April 27, 2004, Evening Proceedings
 Page 124 of 127

1 penalty for such profane Stewardship would not be more
 2 plutonium and tritium coming here. So we are doubling
 3 the plutonium, we are increasing the amount of tritium
 4 and they are even going to let them vaporize the
 5 plutonium this time because I guess the sludge wasn't
 6 quite the best dissemination model for getting
 7 plutonium around town.

114/23.01
cont.

8 There needs to be a drastically reduced
 9 operation alternative. The one that begins with the
 10 United States legal commitment to abolish, not take off
 11 the shelf and polish their new nuclear weapons which is
 12 what this plan is willing to do and I wanted to just
 13 read a quote from that was in this Sunday's Chronicle
 14 regarding Edgar Wayburn who is a 97-year-old
 15 environmentalist and he is talking about, he says that
 16 everything that's been done for the environment in the
 17 past 50 years is prolog and it just seems so fitting to
 18 think about what this ten year plan is about, that all
 19 the work for the last half century of nuclear weapons
 20 is really just prolog.

113/01.01
cont.

21 MR. BROWN: You are at the four minute mark
 22 now.

23 MS SUTTON: I am almost done. Everything that
 24 has been done for the environment in the past 50 years
 25 is prolog to the much greater work of preserving the

Page 124

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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 125 of 127

1 planet. This is a job not only for us but all of the
2 generations to come.
3 And I was looking for on the web and I found
4 this haiku, nuclear haiku by Ted Reynolds who I don't
5 know who it is but I think it is fitting to think about
6 how much tritium is going to be brought in here and
7 used and given all that we know about all the releases
8 of tritium into the air so far of what that activities
9 have been. The haiku is: How can I believe, this soft
10 rain that I so love, radioactive? Thank you.
11 MR. BROWN: Thank you. Patrice was the last
12 person who had signed up to speak and I think the folks
13 have had several hours to add their name to the list so
14 I am going to assume that she is our final speaker.
15 All right. Thanks very much. Just a few concluding
16 remarks: First I would like to thank the DOE staff who
17 began today at about 1:00 o'clock, so we are pushing
18 about ten hours here and I want to thank you very much
19 for participating in this meeting. I would like to
20 also thank the Court Reporter we went many hours over
21 what was anticipated and you have shown remarkable
22 stamina in this and thanks very much. I would like to
23 thank those of you who remain and the scores of members
24 of the public who came and spoke. I think the record
25 should show that many people were here for five hours

Page 125

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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 126 of 127

1 or more listening, speaking and participating and I
2 think that's an indication of the commitment of the
3 public and the importance that the issues raised in the
4 EIS represent.
5 Finally, I think that we should commend two
6 citizenship awards to our youngest presenters, I think
7 that was Oscar Reyes and Gus Scheis who at the age of
8 ten or something like that participated in the process.
9 I think that is a model of citizens paying attention
10 and getting involved at an early age.
11 So with that, I think we can adjourn this
12 meeting and thanks again.

13
14 (Whereupon, the meeting was concluded).
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Page 126

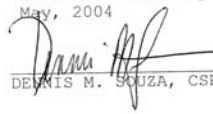
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Public Comment Hearings, Livermore, CA
April 27, 2004, Evening Proceedings
Page 127 of 127

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF ALAMEDA)
4
5
6

7 I hereby certify that the public hearing
8 was taken at the time and place therein named; that the
9 comments of the said speakers was reported by me, a
10 duly Certified Shorthand Reporter and disinterested
11 person, and was thereafter transcribed into typewriting
12 under my direction.
13
14

15 WITNESS WHEREOF, I have
16 hereunto subscribed my
17 hand this 14th day of
18 May, 2004

19 
20 DENNIS M. SOUZA, CSR No. 3893
21
22
23
24
25

Page 127

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